



DATE: June 19, 2012

TO: Board of Water and Soil Resources' Members, Advisors, and Staff

FROM: John Jaschke, Executive Director *94*

SUBJECT: BWSR Board Meeting Notice – June 27, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 27, 2012, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

COMMITTEE MEETINGS

Metro Water Planning Committee

1. **Minnehaha Creek WD Plan Amendment** - The final draft Amendment to the Minnehaha Creek WD Watershed Management Plan was filed with the Board on May 16, 2012. The draft Order contains a summary of the changes and the reviewing agencies' comments. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water Planning Committee recommends approval of the Plan Amendment per the attached draft Order.

DECISION ITEM

2. **Scott WMO Plan Amendment** - The final draft Amendment to the Scott WMO Watershed Management Plan was filed with the Board on May 22, 2012. The draft Order contains a summary of the changes and the reviewing agencies' comments. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water Planning Committee recommends approval of the Plan Amendment per the attached draft Order. **DECISION ITEM**

3. **Ramsey Washington Metro Watershed District Enlargement** - The Cities of Roseville and Shoreview submitted a petition (attached) to enlarge the Ramsey-Washington Metro Watershed District pursuant to Minn. Stat. § 103D.261. The petition was accompanied by resolutions of concurrence from the two affected cities. The proposed enlargement would expand the District into the area of the recently dissolved Grass Lake WMO. After holding a public hearing, the Metro Water Planning Committee recommends the watershed district enlargement be approved per the attached draft Order. **DECISION ITEM**

Bemidji 4 West Building 403 Fourth St. NW, Suite 200 Bemidji, MN 56601 (218) 755-2600	Brainerd 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	Duluth 394 South Lake Ave., Room 403 Duluth, MN 55802 (218) 723-4752	Fergus Falls 1004 Frontier Drive Fergus Falls, MN 56537-2505 (218) 736-5445	Marshall 1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	Mankato 1160 Victory Drive S., Suite 5 Mankato, MN 56001-5358 (507) 389-1967	New Ulm 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	Rochester 2300 Silver Creek Rd N.E. Rochester, MN 55906 (507) 206-2889
--	--	---	--	---	---	--	---

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

www.bwsr.state.mn.us TTY (800) 627-3529 An equal opportunity employer

Southern Water Planning Committee

1. **Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant** – BWSR oversees the administrative funding related to the efforts of the Area II Minnesota River Basins Project Inc. (Area II). The 2011 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins Project Inc., resulting in a fiscal year 2013 grant of \$120,000. The overall budget objectives are included in the plan. Staff recommends approval of this plan and execution of the administrative grant agreement for FY 2013. The Board's Southern Water Planning Committee met on June 7, 2012 to review the Area II Work Plan and recommends approval of the plan and execution of the FY 2013 grant. ***DECISION ITEM***
2. **Minnesota River Board, Fiscal Year 2013 Work Plan and Grant** – This work plan is for BWSR oversight of administrative funding related to the efforts of the Minnesota River Board (MRB), formerly known as the Minnesota River Basin Joint Powers Board. The 2011 Minnesota Legislature appropriated administrative funding for the MRB, resulting in a fiscal year 2013 State General Funds grant of \$42,000. The overall budget objectives are included in the work plan. Staff recommends approval of this work plan and execution of the administrative grant agreement for fiscal year 2013. ***DECISION ITEM***

Grants Program & Policy Committee

1. **Proposed FY'13 SWCD Programs and Operations Grants Allocations** – The Grants Program & Policy Committee is forwarding their FY'13 allocation recommendations for the Conservation Delivery, Easement Delivery, Non-Point Engineering Assistance, and Cost-Share Base Grant Programs. ***DECISION ITEM***
2. **Proposed FY'13 Natural Resources Block Grant** – The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA/BWSR Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee recommends Board approval of the Proposed FY'13 Natural Resources Block Grant allocations. ***DECISION ITEM***
3. **FY 2013 Clean Water Fund and Competitive Grants Program: Policy and Request for Proposals** - BWSR has been appropriated Clean Water Funds to make grants to local governments to address water quality needs. The Minnesota Department of Agriculture is contributing funds to this grant program. BWSR staff are proposing to package these funds into a single request for proposals that will allow local governments to apply for funds to address water quality priorities that are identified in their local water management plan. The Grants Program and Policy Committee reviewed this program on May 23, 2012 and is recommending approval. ***DECISION ITEM***
4. **Targeted Drainage Water Management Grants** – The Grants Program and Policy Committee has reviewed the targeted drainage water management grant allocations totaling \$700,000 and recommends Board approval. ***DECISION ITEM***

5. **BWSR Native Vegetation Establishment and Enhancement Guidelines** – Ongoing collaboration with partners, new information and additional experience resulted in updating the BWSR Native Vegetation Establishment and Enhancement Guidelines, which was completed in May 2012. **DECISION ITEM**

NEW BUSINESS

1. **RIM-WRP Partnership Program FY13 Outdoor Heritage Fund Allocation** – The RIM Reserve Management Planning Committee met on May 22, 2012 and unanimously recommends the allocation of \$13.810 million OHF dollars to the RIM-WRP Partnership. **DECISION ITEM**
2. **RIM Reserve 2012 Bond Fund Allocation** – The RIM Reserve Management Planning Committee recommends allocation of \$6 million in Capital Budget Bonds to the RIM Reserve Program. And, authorize staff to target expiring Conservation Reserve Program (CRP) and Continuous CRP (CCRP) acres on the most vulnerable riparian buffers and wetlands as the priority for enrollment in the RIM Reserve Conservation Easement Program. **DECISION ITEM**
3. **RIM Reserve Clean Water Fund Wellhead Protection Initiative Payment Rate Revision** – The RIM Reserve Management Planning Committee recommends the Conservation Easement Section Manager, in consultation with the Executive Director or Assistant Director, to offer the cropland rates on non-cropland acres for critical lands to be enrolled in RIM Clean Water Fund Wellhead Protection Initiative. This authorization applies only when all factors related to the easement project purpose and function have been evaluated and an increased rate is determined to be necessary to ensure the public's benefit and safety in completing the project. **DECISION ITEM**
4. **Clean Water Fund (CWF) and Outdoor Heritage Funded (OHF) Permanent RIM Reserve Riparian Buffer Conservation Easement Program: Revised Criteria, Enrollment Procedures and Policy** – The RIM Reserve Management Planning Committee recommends implementation of the FY12-13 CWF and OHF RIM Reserve Riparian Buffer Easement Initiative. **DECISION ITEM**
5. **RIM Reserve Easement Alteration Request** – The RIM Reserve Management Planning Committee recommends authorization of the Conservation Easement Section Manager to develop and finalize the alteration request, achieving the required 2:1 acre newly acquired/released ratio and meeting existing Board policy requirements. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting is expected to adjourn about noon. I look forward to seeing you on June 27th!

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 27, 2012

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MAY 23, 2012 BOARD MEETING

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

CONFLICT OF INTEREST DECLARATION

INTRODUCTION OF NEW BWSR STAFF

- Jen Maleitzke, Communications Coordinator
- Kathy Moore, Office Administrative Specialist (OAS), Bemidji
- Ken Powell, Wetland Banking Coordinator

REPORTS

- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Wetlands Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Paul Langseth
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Management Planning Committee – Gene Tiedemann
- Drainage Work Group – Tom Loveall

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Minnehaha Creek Watershed District Plan Amendment – Bob Burandt – **DECISION ITEM**
2. Scott WMO Plan Amendment – Bob Burandt – **DECISION ITEM**

3. Ramsey Washington Metro Watershed District Enlargement – Melissa Lewis – **DECISION ITEM**

Southern Water Planning Committee

1. Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant – Paul Langseth - **DECISION ITEM**
2. Minnesota River Board, Fiscal Year 2013 Work Plan and Grant – Paul Langseth – **DECISION ITEM**

Grants Program & Policy Committee

1. Proposed FY'13 SWCD Programs and Operations Grants Allocations – Wayne Zellmer - **DECISION ITEM**
2. Proposed FY'13 Natural Resources Block Grant – Wayne Zellmer - **DECISION ITEM**
3. FY2013 Clean Water Fund and Competitive Grants Program: Policy and Request for Proposals – Dave Weirens - **DECISION ITEM**
4. Targeted Drainage Water Management Grants – Kyle Skov - **DECISION ITEM**
5. BWSR Native Vegetation Establishment and Enhancement Guidelines – Dan Shaw - **DECISION ITEM**

NEW BUSINESS

1. RIM-WRP Partnership Program FY13 Outdoor Heritage Fund Allocation – Kevin Lines - **DECISION ITEM**
2. RIM Reserve 2012 Bond Fund Allocation – Kevin Lines - **DECISION ITEM**
3. RIM Reserve Clean Water Fund Wellhead Protection Initiative Payment Rate Revision – Kevin Lines - **DECISION ITEM**
4. Clean Water Fund and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program: Revised Criteria, Enrollment Procedures and Policy – Kevin Lines and Tabor Hoek - **DECISION ITEM**
5. RIM Reserve Easement Alteration Request – Kevin Lines - **DECISION ITEM**

AGENCY REPORTS

- Minnesota Department of Agriculture – Matthew Wohlman
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Tom Landwehr
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – Matt Solemsaas
- Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Tim Koehler

UPCOMING MEETINGS

- BWSR Board Tour and Meeting – August 22-23, 2012

Noon **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 23, 2012**

BOARD MEMBERS PRESENT:

Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Quentin Fairbanks, Rebecca Flood, PCA; Christy Jo Fogarty, Todd Foster, Paul Langseth, Tom Loveall, John Meyer, Keith Mykleseth, Brian Napstad, Tom Landwehr, DNR; Rob Sip, MDA; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg

BOARD MEMBERS ABSENT:

Sandy Hooker
Faye Sleeper, MES

STAFF PRESENT:

Mary Jo Anderson, Julie Blackburn, Don Buckhout, Travis Germundson, John Jaschke, Al Kean, Paul Senne, Aaron Spence

OTHERS PRESENT:

Tim Koehler, NRCS
Tim Loesch, DNR
Henry Van Offelen, MN Center for Environmental Advocacy

Chair Napstad called the meeting to order at 9:00 AM

PLEDGE OF ALLEGIANCE

**** ADOPTION OF AGENDA** – Moved by Rebecca Flood, seconded by Paul Langseth, to
12-40 adopt the agenda as presented. Motion passed on a voice vote.

**** MINUTES OF APRIL 25, 2012 BOARD MEETING** – Moved by Paul Langseth, seconded by
12-41 Quentin Fairbanks, to approve the minutes of April 25, 2012, as circulated. Motion passed
on a voice vote.

REPORTS

Chair's Report – Brian Napstad reported that he's been attending a series of public meetings regarding establishing a Lake Improvement District. There is statutory language and a process in place for creation of a lake improvement district. Generally, the purpose to create a lake improvement district is to help the lake, in this case, it's to operate a weed harvesting machine. Chair Napstad stated that this has been very interesting.

INTRODUCTION OF NEW BWSR STAFF

Julie Blackburn, Assistant Director, introduced:

- Angie Becker Kudelka, Organizational Effectiveness Director
- Jenny Gieseke, Training Coordinator

Administrative Advisory Committee – Brian Napstad reported that the Administrative Advisory Committee did not meet this morning. Chair Napstad and Vice-Chair Van Amburg met with John Jaschke this morning to conduct the executive director's annual performance review. Chair Napstad was happy to report that the executive director's review was between very good and excellent. Chair Napstad stated that we can all be very proud of BWSR's Executive Director.

Executive Director's Report – John Jaschke reviewed information in Board Members' packets. John stated that the 2012 legislative session ended, and it's time to start planning again for the next session; Julie Blackburn will provide a legislative update on the agenda today. John reported that the annual All Staff Meeting will be held June 5-6.

Dispute Resolution Committee – Travis Germundson reported that there are no new appeals; there are 13 pending appeals; he provided an update. Travis followed-up with the Attorney General's Office regarding training for the Dispute Resolution Committee members, it's likely that training will be held in August. Travis attended the Court of

BWSR Meeting Minutes
May 23, 2012
Page Three

Appeals oral arguments last week for a case based on a BWSR WCA appeal decision; a decision from the Court will be received in 90 days.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee met on April 25, 2012; discussed agreement between BWSR and NRCS, regarding the new ag wetland banking initiative. A new wetland banking coordinator will be hired. An Executive Order on WCA will have an impact in the future months.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee will meet immediately following adjournment of the Board meeting today.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee has not met.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee met last night; agenda items will be brought before the Board in June.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group is scheduled to meet on June 28.

COMMITTEE RECOMMENDATION

Northern Water Planning Committee

Polk County Local Water Management Plan Update – Quentin Fairbanks reported that the Northern Water Planning Committee met on April 11, 2012, to review the Polk County Plan Update and recommends approval. The Polk County Local Water Management Plan is identified as a 10-year plan with a review of the Plan in five years.

**
12-42 Moved by Quentin Fairbanks, seconded by Gene Tiedemann, to approve the Polk County Local Water Management Plan Update. Keith Mykleseth stated that the County commended BWSR staff assistance with the process and appreciates it. Motion passed on a voice vote.

NEW BUSINESS

Legislative Update – Julie Blackburn reported that she is BWSR's legislative liaison and provided a 2012 Legislative Review. The Legislature adjourned on May 8th. Bills that were passed and signed by the Governor included: the Omnibus Environment and Natural Resources Policy Bill, a Bonding Bill and the Legacy Bill. Julie provided an overview of the key provisions of each bill, funding, policy, and Executive Order 12-04, a daunting task with an accelerated schedule. The budget development is in progress for

BWSR Meeting Minutes
May 23, 2012
Page Four

2014. Julie suggested a possible BWSR summit to work through the Executive Order and accomplish the expectations set forth by the December deadline.

Minnesota Elevation Mapping Project Update (aka LiDAR) – Al Kean introduced Tim Loesch, DNR, GIS Project Operations Supervisor; and Henry Van Offelen, Natural Resource Scientist, MN Center for Environmental Advocacy. Tim provided an overview of the digital elevation data acquisition and described how it is used for many natural resource management functions and projects, including terrain analysis, other GIS applications, conservation practice planning and design (including wetland restorations), as well as for hydrologic modeling and other natural resource studies.

Henry provided an overview of a practical applied LiDAR-based information on water quality improvement and flood damage in the Red River Basin. Targeting BMPs, mapping depressional and water retention areas, and flood damage reduction prioritization. Al Kean explained that BWSR is using this LiDAR for concept planning without survey work. Chair Napstad thanked Al, Tim and Henry for their informative presentations.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip distributed registration information on three Agricultural Drainage Seminars to be held this summer, sponsored by MDA and other partners.

Minnesota Department of Health (MDH) – Chris Elvrum reported that MDH is providing public information on the new recent evidence of manganese exposure risk for infants drinking tap water.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr provided a brief legislative update for DNR: funding for the Walk-in Access Program to carry-out the program for a third year; the hunting and fishing fee increase passed; approval to create the wolf season hunting and trapping; the School Trust Fund land management which takes effect in 2013; an Institute created at the University of Minnesota for Aquatic Invasive Species research and Wildlife Management Area allowances for grazing was authorized. Commissioner Landwehr acknowledged that Julie Blackburn does an outstanding job for BWSR during the legislative session.

ADVISORY COMMENTS

Natural Resources Conservation Service – Tim Koehler reported that the Grassland Reserves Program had a disappointing sign-up. The Water Bank Program resurfaced this year, primarily for North Dakota and South Dakota, four applications received in MN. Tim reported that the National Smithsonian Exhibit will highlight Minnesota soils.

BWSR Meeting Minutes
May 23, 2012
Page Five

Tim stated that NRCS and BWSR are using the LiDAR system; it's a great tool. NRCS challenge is flood mitigation concerns, working with DNR, F&WS. Tim stated that the future Farm Bill provisions remain uncertain at this time.

UPCOMING MEETINGS

- Next Board Meeting – June 27, 2012
- BWSR Board Tour and Meeting – August 22-23, 2012
- Grant Committee meets immediately following adjournment of the Board meeting.
-

** Moved by Todd Foster, seconded by Tom Loveall, to adjourn the meeting at 11:40 a.m.
12-43 Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: June 27, 2012

Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region: Land and Water Section
Contact: Travis Germundson
Prepared by: Travis Germundson
Reviewed by: _____ Committee(s)
Presented by: Gerald Van Amburg/Travis Germundson

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

None

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

Dispute Resolution Committee Report. The report provides a monthly update on the number of appeals filed with the BWSR.

Dispute Resolution Report
June 13, 2012, 2012
By: Travis Germundson

There are presently 16 appeals pending. All of the appeals involve WCA except File 10-10. There have been 4 new appeals filed since the last report given at the May 23, 2012 Board Meeting.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 12-10 (6-11-12) This is an appeal of a restoration order in Stearns County. The appeal regards the draining of approximately 25,700 square feet of wetlands associated with the installation of agricultural drain tile and ditching. The appeal involves the same general area and related wetland alterations as File 12-09. No decision has been made on the appeal.

File 12-09 (6-11-12) This is an appeal of a restoration order in Stearns County. The appeal regards the draining of approximately 108,028 square feet of wetland associated with the installation of agricultural drain tile and ditching. No decision has been made on the appeal.

File 12-08 (5-29-12) This is an appeal of a replacement order in Stearns County. The appeal regards the placement of approximately 36,808 square feet of fill in a Type 2/6 wetland. The appeal involves the same general area and related wetland alterations as File 12-07. No decision has been made on the appeal.

File 12-07 (5-24-12) This is an appeal of a replacement order in Stearns County. The appeal regards the placement of approximately 52,143 square feet of fill in a Type 2/6 wetland associated with development of an industrial park. No decision has been made on the appeal.

~~File 12-06 (4-16-12). This is an appeal of a restoration order in Rock County. The appeal regards the ditching and tiling of up to 20 acres of wetlands associated with agricultural activities. The appeal has been denied.~~

File 12-05 (4-2-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. The appeal has been remanded for completion of technical work and administrative proceedings.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. The appeal has been placed in abeyance pending settlement discussions. A verbal settlement agreement has been reached by the parties. (at the December 2010 Board meeting, Managers voted 6 to 1 to move forward with Option D)

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system.

File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regards the denial of an exemption request for agricultural/drainage activities. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division. A settlement agreement was reached with NRCS. The scheduling was delayed to allow the LGU the opportunity to resolve this matter in formally. Discussions have since broken off and now the LGU is requesting that BWSR move forward with the appeal.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application. The three owners are also in the process of splitting up the property.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Dept of Justice.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court; however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal was been remanded for further processing at the local level. The City of Montgomery has gradually been working on removing the debris and restoring the wetland in accordance with MPCA requirements.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue are wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted an updated replacement plan application.

Summary Table

Type of Decision	Total for Calendar Year 2011	Total for Calendar Year 2012
Order in favor of appellant	2	1
Order not in favor of appellant	2	2
Order Modified	2	
Order Remanded		2
Order Place Appeal in Abeyance	4	1
Negotiated Settlement	1	
Withdrawn/Dismissed	2	1

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Minnehaha Creek Watershed District Plan Amendment – ***DECISION ITEM***
2. Scott WMO Plan Amendment - ***DECISION ITEM***
3. Ramsey Washington Metro Watershed District Enlargement – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Minnehaha Creek WD Plan Amendment

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Water Planning Committee(s)

Presented by: Bob Burandt

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☒ Map ☐ Other Supporting Information

Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

Approval of Plan Amendment to the Minnehaha Creek Watershed District's Watershed Management Plan

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

Background

The Minnehaha Creek Watershed District (District) spans approximately 178 square miles on the western edge of the Twin Cities Area. Most of the watershed - 148 square miles - is in Hennepin County while the remaining 29 square miles are in Carver County. Local government units within the District include two counties, two townships and 27 cities. In Hennepin County, the local governments within the District include: Deephaven, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Independence, Long Lake, Maple Plain, Medina, Minneapolis, Minnetonka, Minnetonka Beach, Minnetrista, Mound, Orono, Plymouth, Richfield, St. Bonifacius, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, and Woodland. In Carver County, the governmental units include: Chanhassen, Victoria, Laketown Township, and Watertown Township. Two regional park authorities exist within the District, the Minneapolis Park and Recreation Board and the Three Rivers Park District. There are 65 lakes and numerous miles of stream in the watershed district - Minnehaha Creek itself is 22 miles long. The DNR Public Waters Inventory identifies 104 protected waters and 229 protected waters wetlands.

The Board approved the current "third generation" Water Resources Management Plan in June 2007.

Amendment Summary

The Amendment proposes to revise the implementation program by adding one capital improvement project, the Taft-Legion Lake Regional Volume and Load Reduction Project, that includes multiple BMP components for an estimated capital cost of \$2.7 million. All comments on the amendment were fully addressed.

The Metro Water Planning Committee met on May 29, 2012. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated January 10, 2012, to the full Board per the attached draft Order.

[illegible]

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the
Amendment to the Watershed Management
Plan for the **Minnehaha Creek Watershed
District**, pursuant to Minnesota Statutes
Section 103B.231, Subdivision 11.

**ORDER
APPROVING
AMENDMENT TO
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Minnehaha Creek Watershed District (District) submitted an Amendment to the Watershed Management Plan (Amendment) dated January 10, 2012 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

Whereas, the Board has completed its review of the Amendment;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **Watershed District Establishment.** The Hennepin County Managers asked the Minnesota Water Resource Board (MWRB) to form the Minnehaha Creek Watershed District on April 12, 1966. The MWRB established the District on March 9, 1967 under the authority of Minnesota Statutes Chapter 103D (formerly Chapter 112), the Watershed Act. In 1972 the District accepted authority over the eight county and judicial ditches located within the watershed. The District's first Water Resources Management Plan was approved in 1969 and its "second generation" Water Resources Management Plan in 1997. The Board approved the current "third generation" Water Resources Management Plan in June 2007.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.
3. **Nature of the Watershed.** The District spans approximately 178 square miles on the western edge of the Twin Cities Area. Most of the watershed - 148 square miles - is in Hennepin County while the remaining 29 square miles are in Carver County. Local government units within the District include two counties, two townships and 27 cities. Twelve of these cities are located wholly within the District. In Hennepin County, the

local governments within the District include: Deephaven, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Independence, Long Lake, Maple Plain, Medina, Minneapolis, Minnetonka, Minnetonka Beach, Minnetrista, Mound, Orono, Plymouth, Richfield, St. Bonifacius, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, and Woodland. In Carver County, the governmental units include: Chanhassen, Victoria, Laketown Township, and Watertown Township. Two regional park authorities exist within the District, the Minneapolis Park and Recreation Board and the Three Rivers Park District. There are 65 lakes and numerous miles of stream in the watershed district – Minnehaha Creek itself is 22 miles long. The DNR Public Waters Inventory identifies 104 protected waters and 229 protected waters wetlands.

4. **Amendment Development and Review.** The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on January 12, 2012. The Amendment proposes to revise the implementation program by adding one capital improvement project to improve water quality in Taft and Legion Lakes. The District held a public hearing on April 5, 2012. No revisions to the Amendment were made as a result of comments received at the hearing. The final draft Amendment was submitted to the Board and plan review agencies on May 16, 2012, for final review and approval.
5. **Local Review.** The District circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7, and received comments from the Cities of Minneapolis and Minnetrista, Minneapolis Park and Recreation Board, Hennepin County, Bassett Creek WMO, and Rice Creek WD. All comments were fully addressed.
6. **Metropolitan Council Review.** The Metropolitan Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*.
7. **Department of Agriculture Review.** The MDA stated that there are no comments on the Amendment.
8. **Department of Health Review.** The MDH did not comment on the Amendment.
9. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.
10. **Pollution Control Agency Review.** The PCA stated they had no comments.
11. **Department of Transportation Review.** The DOT did not comment on the Amendment.
12. **Board Review.** Board staff commended the District for maintaining a current capital improvement program and had no other comments on the Amendment.

13. **Amendment Summary.** The Amendment proposes to revise the implementation program by adding one new capital improvement project containing multiple best management practices to improve water quality in Taft and Legion Lakes with a cost estimate of \$2.7 million.
14. **Metro Water Planning Committee Meeting.** On May 29, 2012, the Board's Metro Water Planning Committee and staff met in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Faye Sleeper, Christy Jo Fogarty, Jack Ditmore, Joe Collins and Bob Burandt, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Minnehaha Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The Minnehaha Creek Watershed District's Amendment attached to this Order defines the need and purpose of the Watershed Management Plan changes and the methods of financing.
4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment dated January 10, 2012, to the Minnehaha Creek Watershed District Watershed Management Plan.

Dated at Saint Paul, Minnesota this 27th day of June 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Scott WMO Plan Amendment ☐

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Water Planning Committee(s)

Presented by: Bob Burandt

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☒ Map ☐ Other Supporting Information

Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

Approval of Plan Amendment to the Scott Watershed Management Organization's Watershed Management Plan

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

WMO Background

The SWMO extends over 287 square miles of Scott County. The remaining portions of Scott County are addressed by the Lower Minnesota River WD, Prior Lake-Spring Lake WD, the Vermillion River Watershed JPO, and Black Dog WMO. There are also approximately two square miles tributary to the Cannon River in the southeast corner of the county that is subject to the Metropolitan Surface Water Management Act and is considered part of the SWMO area. Drainage of Scott County is predominantly toward the Minnesota River which forms the northern border of the County.

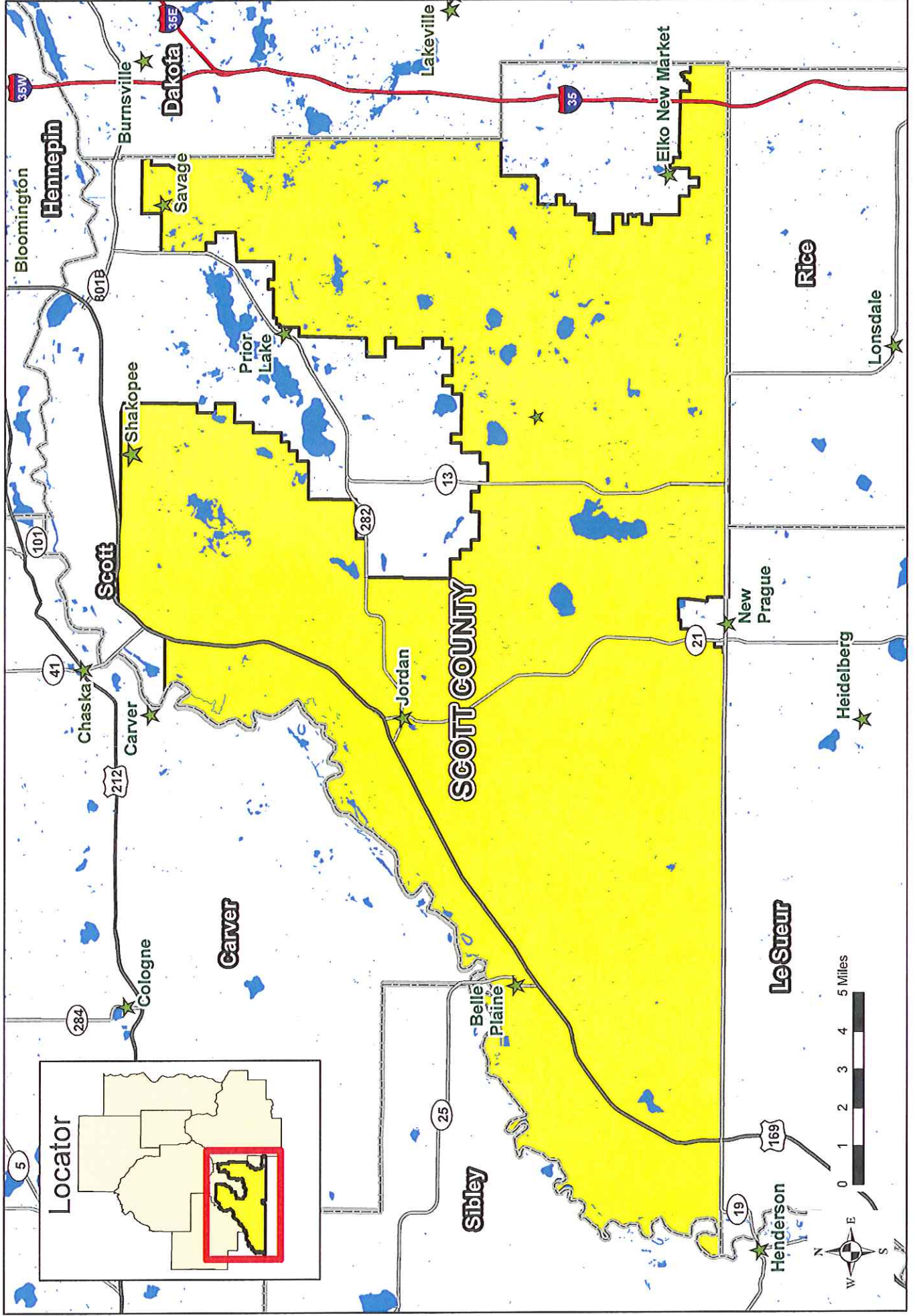
The SWMO became necessary after the failure of four WMO's in 1996 which had originally been established under the Metropolitan Surface Water Management Act. Scott County resolved to take over water planning activities in the areas previously addressed by the Sand Creek, Shakopee Basin, Southwest Scott, Credit River, and portions of Prior Lake-Spring Lake watershed management organizations in July 2000. The current plan was approved by BWSR in May 2009.

Amendment Summary

The Amendment proposes to revise the implementation program by adding the following four capital improvement projects to the implementation section, some of which will be implemented based on availability of state grant funds: West Cedar Subwatershed Practices, Cleary Lake Regional Park parking lot improvements, Stabilization of Ravines in the Blakeley Area, and Clarks Lake Restoration. Most of these projects are in response to recent feasibility studies completed on the various issue areas. No substantive comments were received during the comment period or at the public hearing.

The Metro Water Planning Committee met on May 29, 2012. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated June 2012 to the full Board per the attached draft Order.

Scott County Watershed Management Organization



Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the
Amendment to the Watershed Management
Plan for the **Scott Watershed Management
Organization**, pursuant to Minnesota Statutes
Section 103B.231, Subdivision 11.

**ORDER
APPROVING
AMENDMENT TO
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Commissioners of the Scott Watershed Management Organization (SWMO) submitted a Watershed Management Plan Amendment dated June 2012 (Amendment), to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

Whereas, the Board has completed its review of the Amendment;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **WMO Establishment.** The SWMO became necessary after the failure of four Joint Powers Agreement WMO's in 1996 which had originally been established under the Metropolitan Surface Water Management Act. Scott County resolved to take over water planning activities in the areas previously addressed by the Sand Creek, Shakopee Basin, Southwest Scott, Credit River, and portions of Prior Lake-Spring Lake watershed management organizations in July 2000.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.
3. **Nature of the Watershed.** The SWMO extends over 287 square miles of Scott County. The remaining portions of Scott County are addressed by the Lower Minnesota River Watershed District, Prior Lake-Spring Lake Watershed District, the Vermillion River Watershed Joint Powers Organization, and Black Dog WMO. There are also approximately two square miles tributary to the Cannon River in the southeast corner of the county that is subject to the Metropolitan Surface Water Management Act and is considered part of the SWMO area. Drainage of Scott County is predominantly toward the Minnesota River which forms the northern border of the county. Agricultural land

use dominates the landscape; however urbanization is occurring in the northern portions of the county.

4. **Amendment Development and Review.** The Amendment revises the Implementation Program by adding four capital improvement projects. The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on February 27, 2012. The SWMO received a comment letter from Metropolitan Council, MN Department of Agriculture, and the Board. The SWMO held a public hearing on May 22, 2012. No suggested changes were offered during the formal comment period or at the public hearing. The final draft Amendment was submitted to the Board and plan review agencies on May 22, 2012, for final review and approval.
5. **Metropolitan Council Review.** Met Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*.
6. **Department of Agriculture Review.** The MDA stated they had no comments on the Amendment.
7. **Department of Health Review.** The MDH did not comment on the Amendment.
8. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.
9. **Pollution Control Agency Review.** The PCA did not comment on the Amendment.
10. **Local Review.** The Commissions circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.
11. **Board Review.** Board staff commended the Commissions for maintaining a current Plan and had no other comments.
12. **Amendment Summary.** The Amendment proposes to revise the implementation program by adding the following four capital improvement projects to the implementation section, some of which will be implemented based on availability of state grant funds: West Cedar Subwatershed Practices, Cleary Lake Regional Park parking lot improvements, Stabilization of Ravines in the Blakeley Area, and Clarks Lake Restoration. This amendment reflects SWMO's willingness to regularly review their implementation program and to amend the Plan as studies are completed and projects identified.
13. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on May 29, 2012, to review and discuss the Amendment. Those in attendance from the Board's Committee were Faye Sleeper, Christy Jo Fogarty, Jack Ditmore, Joe Collins and Bob Burandt, chair. Board staff in attendance was Metro

Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Scott Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The Scott Watershed Management Organization's Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.
4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment dated June 2012 to the Scott Watershed Management Organization's Watershed Management Plan.

Dated at Saint Paul, Minnesota this 27th day of June 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Ramsey-Washington Metro WD Enlargement

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Melissa Lewis

Prepared by: Melissa Lewis

Reviewed by: Metro Water Planning Committee(s)

Presented by: Melissa Lewis

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☒ Map ☐ Other Supporting Information

Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

Approve Order for Watershed District Enlargement

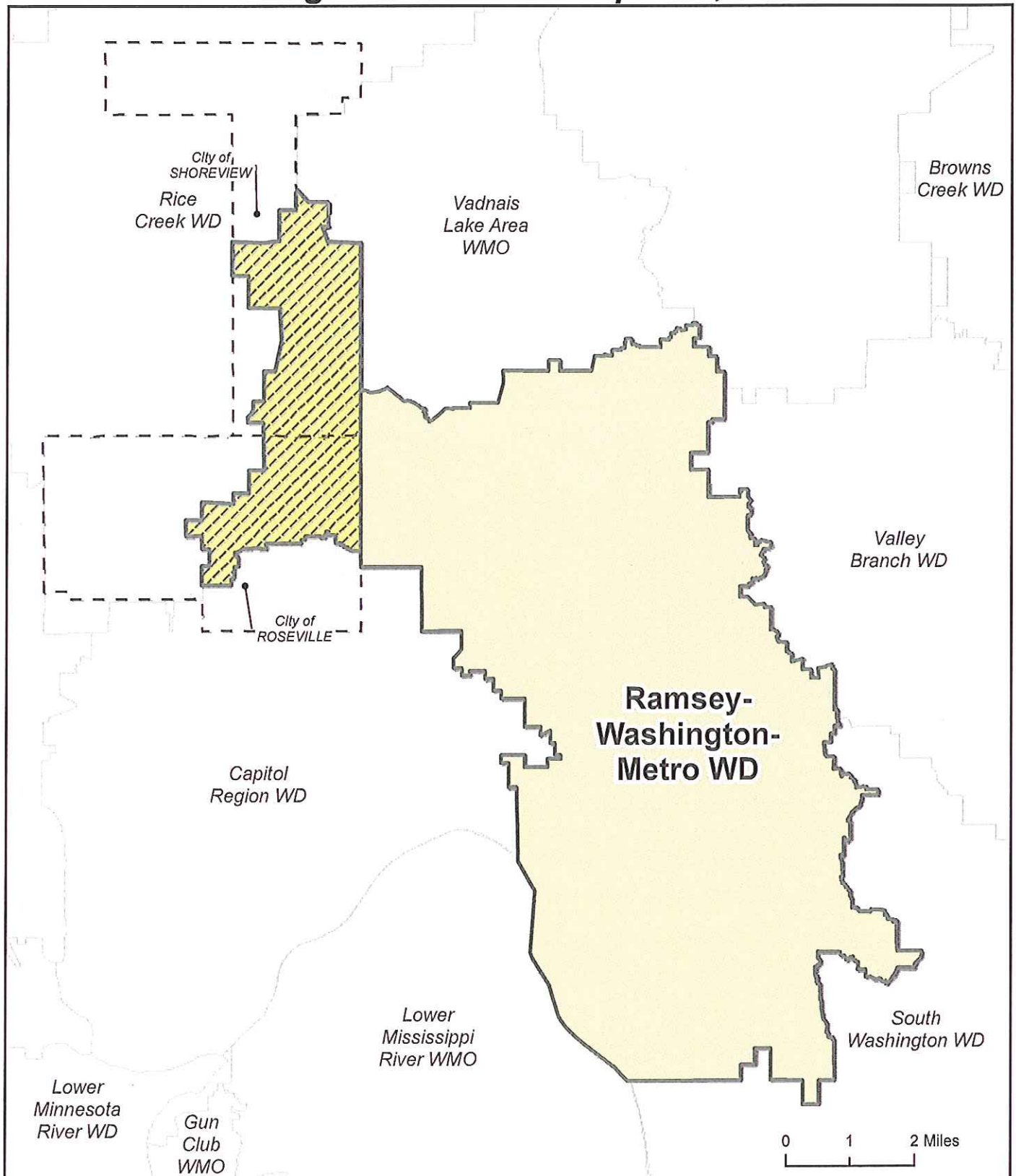
SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The Cities of Roseville and Shoreview submitted a petition to enlarge the Ramsey-Washington Metro Watershed District (District) pursuant to Minn. Stat. § 103D.261. The proposed enlargement would expand the District into the area of the recently dissolved Grass Lake Watershed Management Organization involving parts of the Cities of Roseville and Shoreview. The petition was accompanied by resolutions of concurrence from the two affected cities. At its April meeting, the Board ordered a public hearing be held. As required by Minn. Stat. § 103D.261, Subd. 1c, legal notice of the public hearing was published once per week for two consecutive weeks in local newspapers. The legal notice was sent by mail to several addressees including Ramsey County, Ramsey SWCD and affected local units of government. A public hearing was held on May 29, 2012. There is no opposition to the proposed enlargement in the hearing record.

As stated in the petition, the proposed area of enlargement is within the hydrologic boundaries of the District and the proposed enlargement can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages. Water planning is required in the area under Minn. Stat. § 103B.231, subd. 1. Water planning is not being done because of the Grass Lake WMO dissolution.

The Metro Water Planning Committee recommends the District be enlarged per the attached draft Order.

Ramsey-Washington Metro Watershed District Enlargement Petition - April 11, 2012



-  Enlargement Petition (Currently Grass Lake Watershed Management Organization)
-  Ramsey - Washington Metro Watershed District Existing Boundary
-  Surrounding Watershed Districts & Management Organizations
-  City of Roseville & City of Shoreview



Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the Enlargement of the Ramsey
Washington Metro Watershed District in Ramsey
County pursuant to Minnesota Statutes § 103D.261

**ORDER
WATERSHED DISTRICT
ENLARGEMENT**

Whereas, a petition (Petition) for an enlargement of the Ramsey-Washington Metro Watershed District (RWMWD) was filed by the Cities of Roseville and Shoreview with the Board on April 4, 2012, pursuant to Minn. Stat. § 103D.261, and;

Whereas, the Board has completed its review of the Petition;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

FINDINGS OF FACT

1. **Petition.** The Petition to enlarge the RWMWD into the area of the former Grass Lake Watershed Management Organization was filed by the Cities of Roseville and Shoreview with the Board on April 4, 2012.
2. **Property Description.** The territory included in the enlargement, the Petitioned Area, totals approximately 5,648 acres of land consisting of 2,359 acres located in the City of Roseville and 3,289 acres in the City of Shoreview, all in Ramsey County entirely within the metropolitan area.
3. **Reasons for Enlargement.** The proposed enlargement results from the dissolution of the Grass Lake Watershed Management Organization. The Cities of Roseville and Shoreview seek the RWMWD to assume watershed management responsibilities within the portions of their cities formerly managed by the Grass Lake Watershed Management Organization. The proposed enlargement is within the watershed of the RWMWD and is consistent with and would serve the purposes and requirements of Minn. Stat. §§

103B.205 to 103B.255 and Chapter 103D. The Petitioned Area is required to have a watershed management plan according to Minn. Stat. § 103B.231, subd. 1 and none has been in place since the dissolution of the Grass Lake Watershed Management Organization.

4. **Statements of Concurrence.** Statements of concurrence from the Cities of Roseville and Shoreview were submitted with the Petition.
5. **Effect on Benefits and Damages.** The Petition states the proposed enlargement will not affect the benefits or damages for any improvements previously constructed by the Grass Lake Watershed Management Organization or the Cities of Roseville or Shoreview.
6. **Notice of Public Hearing.** Legal Notice of the public hearing on the proposed enlargement, pursuant to Minn. Stat. § 103D.261, Subd. 1, subitem c, was published in the Roseville Review on May 1 and 8, 2012, and in the Shoreview Bulletin on May 2 and 9, 2012. Further, a copy of the hearing notice was mailed to several addressees including the Ramsey County Board of Commissioners, Ramsey County Auditor, Ramsey Conservation District, the RWMWD, all of the cities affected by the proposed enlargement, and the Department of Natural Resources.
7. **Public Hearing.** A public hearing was held on the Petition on Tuesday, May 29, 2012 at 7:30 PM in the Council Chambers at the Shoreview City Hall, 4600 Victoria Street North, Shoreview, Minnesota. The hearing proceedings were tape recorded. The hearing panel was the Board's Metro Water Planning Committee which consisted of Joseph Collins, Jack Ditmore, Christy Jo Fogarty, Faye Sleeper, and Bob Burandt as chair.

Jim Haertel, Board staff, entered Exhibits 1 through 5 into the record by reading a brief description of each exhibit.

Exhibit 1. Enlargement petition packet for the Ramsey-Washington Metro Watershed District dated April 2 and 3, 2012, received April 4, 2012, including Resolutions of Concurrence numbers 10967 from the City of Roseville and 10975 from the City of Shoreview, 27 pgs.

Exhibit 2. Order dated April 25, 2012 from Brain Napstad, Chair of the Board of Water and Soil Resources ordering a public hearing to be held on the Petition, 3 pgs..

Exhibit 3. Letter dated April 26, 2012 from Jim Haertel with the Board of Water and Soil Resources to several addresses notifying them of the public hearing, including list of addressees, map and legal notice, 4 pgs.

Exhibit 4. Affidavit of Publication dated May 8, 2012, of Legal Notice of Public Hearing in the Roseville Review on May 1 and 8, 2012.

Exhibit 5. Affidavit of Publication dated May 9, 2012, of Legal Notice of Public Hearing in the Shoreview Bulletin on May 2 and 9, 2012.

After hearing no oral testimony, the public hearing was closed.

8. **Metro Water Planning Committee Meeting.** On May 29, 2012, immediately following the close of the public hearing, the Board's Metro Water Planning Committee and staff met to review and discuss the petition. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended approval of the enlargement per the Petition. Board staff noted there was no opposition to the proposed enlargement contained in the record and the two affected cities concur in the Petition. Based on the oral and written record in this matter and after discussion, the Committee found the area of the proposed enlargement is within the watershed of the RWMWD, the proposed enlargement is consistent with and would serve the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D, the proposed enlargement is for the public welfare and public interest, and the proposed enlargement can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages. The Committee decided with a unanimous vote to recommend to the full Board that the enlargement be established as proposed in the Petition.

CONCLUSIONS

1. The Petition for enlargement of the RWMWD is valid in accordance with Minn. Stat. § 103D.261.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district enlargement.
4. The territory included in the proposed enlargement is within the hydrologic boundaries of the RWMWD.
5. The governing bodies of the Cities of Roseville and Shoreview concur in the proposed enlargement.
6. No opposition to the Petition is contained in the record.
7. The proposed enlargement is consistent with and would serve the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D.
8. The proposed enlargement can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.
9. The Petitioned Area is required to have a watershed management plan according to Minn. Stat. § 103B.231, subd. 1 and none has been in place since the dissolution of the Grass Lake Watershed Management Organization.
10. The proposed enlargement should be approved per the Petition and the watershed management plan for the RWMWD should be amended within one year to include the enlarged area.

ORDER

The Board hereby orders that the boundaries of the Ramsey-Washington Metro Watershed District are enlarged per the Petition and as depicted on the six maps contained in the Petition, attached hereto and made a part of this Order hereof, including the data sets the maps were created from. The Board further orders that the Ramsey-Washington Metro Watershed District amend its watershed management plan within one year of the date of this Order to include the enlarged area.

Dated at Saint Paul, Minnesota this _____ day of June, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant – ***DECISION ITEM***
2. Minnesota River Board, Fiscal Year 2013 Work Plan and Grant – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Area II Minnesota River Basins Project Inc.
Work Plan and Grant ☐

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Jeff Nielsen

Reviewed by: Southern Region Water Planning Committee Committee(s)

Presented by: Paul Langseth

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

☐ None

☐ Amended Policy Requested

☐ New Policy Requested

☒ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

Approval and execution of fiscal year 2013 grant agreement

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

Legislative appropriation to Area II Minnesota River Basins Project Inc. to assist its nine member counties flood control projects in southwestern Minnesota. Area II receives a cost share rate of 75% state funding and 25% local funding for office administration and project implementation; oversight is provided by BWSR.



Board Resolution # _____

Area II Minnesota River Basins Project Inc. Biennial Work Plan and Grant

WHEREAS, the Area II Minnesota River Basins Inc. (Area II) is eligible to receive a \$120,000 FY 2013 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their nine county project area. This grant is available with a 25% local match requirement; and

WHEREAS, Area II has developed a Biennial Work Plan to cover activities for FY 2012 and 2013; and

WHEREAS, Area II has secured their 25 percent match requirement.

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2012 and 2013 Biennial Work Plan; and

BE IT FURTHER RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Area II Minnesota River Basins Project Inc. for these funds.

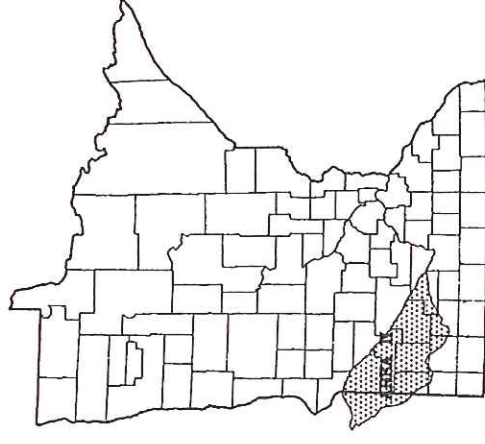
Date: _____

Brian Napstad, Chair

Minnesota Board of Water and Soil Resources

BIENNIAL PLAN – FY 2012 & 2013

JULY 1, 2011 – JUNE 30, 2013



Member Counties

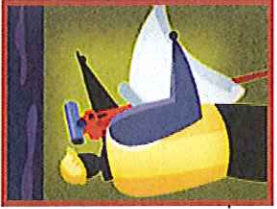
Brown • Cottonwood • Lac qui Parle
Lincoln • Lyon • Murray • Pipestone
Redwood • Yellow Medicine

FISCAL 2013 UPDATE – MAY 2012
(Changes/Additions noted in RED)

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

1400 EAST LYON STREET ~ MARSHALL, MN 56258

WWW.AREA2.ORG



CONTENTS

BIENNIAL PLAN – FY 2012 & 2013

2012 BOARD OF DIRECTORS - PAGE 2

WORK PLAN NARRATIVE- PAGES 3 & 4

OTHER PROJECT ENDEAVORS - PAGE 5

POTENTIAL PROJECTS - PAGE 6

FY 2013 TECHNICAL OFFICE BUDGET - PAGE 7

ATTACHMENTS:

A – FY2012 COMPLETED PROJECTS

B – FY 2011 ADMINISTRATIVE SERVICES GRANT REPORT

C – FY2012 ADMINISTRATIVE SERVICES GRANT REPORT

D – FY2012 FLOODWATER RETENTION BONDING GRANT REPORT



2012 BOARD OF DIRECTORS

BIENNIAL PLAN – FY 2012 & 2013

BROWN COUNTY

DENNIS POTTER
ANDREW LOCHNER (ALTERNATE)

MURRAY COUNTY

ROBERT MOLINE – **CHAIR**
JOHN GIESE (ALTERNATE)

COTTONWOOD COUNTY

NORMAN HOLMEN
JIM SCHMIDT (ALTERNATE)

PIPESTONE COUNTY

MARGE DERUYTER
HAROLD MILLER (ALTERNATE)

LAC QUI PARLE COUNTY

HAROLD SOLEM
TODD PATZER (ALTERNATE)

REDWOOD COUNTY

JOHN SCHUELLER – **VICE CHAIR**
ALLEN KOKESCH (ALTERNATE)

LINCOLN COUNTY

CURT BLUMEYER – **SECRETARY/TREASURER**
DON EVERS (ALTERNATE)

YELLOW MEDICINE COUNTY

LOUIS SHERLIN
RON ANTONY (ALTERNATE)

LYON COUNTY

RODNEY STENSrud
RICK ANDERSON (ALTERNATE)

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



WORK PLAN NARRATIVE

BIENNIAL PLAN – FY 2012 & 2013

Area II, formed in 1978 as a non-profit organization, works to alleviate the recurrent flood problems which plague this area of southwestern Minnesota. This organization is recognized as a leader in flood damage reduction by the installation of dams/reservoirs and road retentions. Area II assists the member counties in the engineering design, hydrologic and hydraulic modeling, construction and inspection, and finance of flood damage reduction projects. Due to the unique landforms of this region, particularly the Coteau de Prairies (the Buffalo Ridge), Area II receives a 75/25 cost-share rate for office administration and project implementation. Oversight of this grant-in-aid program is provided by the Minnesota Board of Water & Soil Resources.

This Biennial Plan provides direction for a 2-year period while the Technical Office Budget is for one fiscal year. By May 30, 2012, updates to the Biennial Plan as well as to the Technical Office Budget for FY2013 will be provided for BWSR staff review.

1) Initiative: FY 2012 & 2013 – ADMINISTRATIVE SERVICES

Description: Provide administrative and coordination oversight for the AREA II Minnesota River Basin Projects, Inc. Board of Directors. Provide financial reports and records that meet State accounting and auditing standards, prepare and manage administrative and project budgets, provide supervision and management of staff, evaluate employee job performance, draft agenda and minutes of monthly board meetings. Conduct local government and citizen outreach and education.

Actions:

- Maintain a complete Board of Directors of 9 delegates and 9 alternates.
- Maintain adequate staffing to address the goals of AREA II. Evaluate job performance of all employees yearly.
- Conduct 10 monthly board meetings, 2 Executive Board teleconferences and 1 Annual Legislative Gathering.
- Utilize engineering consultant services to assist with engineering, hydrologic and planning/prioritization issues.
- Maintain policies and procedures. Review Operating Policies, Joint Powers Agreement and Articles of Incorporation annually.
- Maintain a public outreach and information program. Accomplish by maintaining the AREA II web site; conduct tours as necessary to highlight projects completed; prepare an annual report. Complete website reporting requirements by March 15 of each year.
- Strive for fiscal accountability. Accomplish by preparing and adopting an annual budget; reviewing monthly financial reports, conducting an annual audit of the financial records.
- Actively pursue new funding sources with local partners through Clean Water Fund and federal programs (EQIP, MRBI, WHIP).
- Continue administrative/operational efficiency discussions with RCRCA. Schedule board meetings for the same day and same location to lessen per diems and expenses paid to board members. Future discussions may include sharing technical resources.
- Meet and communicate with member county commissioners, engineers, water planners, watershed districts, SWCD/NRCS, watershed project staff regarding technical services and potential projects.
- Serve on technical committees (as requested) for watershed projects, TMDL project assessment and implementation efforts. Provide input to USDA Environmental Quality Incentive Program (EQIP) local work group committees.

2) Initiative: FY 2012 & 2013 – ENGINEERING SERVICES

Description: Employ senior engineering technician and consultant registered engineer to provide engineering services which include planning, design, construction and inspection of flood damage reduction projects to member counties of AREA II. Provide engineering services for project funded through outside sources involving USDA Environmental Quality Incentive Program (EQIP), Mississippi River Basin Initiative (MRBI), Clean Water Funds acquired by SWCDs, RCRA and counties. Future work may include Natural Resource Conservation Service wetland conservation partnerships.

Actions:

- Continue contracting professional engineering services through Bolton & Menk, Inc.
- Schedule and complete annual inspections and reports for 9 reservoirs.
- Ensure annual inspection of road retention projects by owners and file inspection reports. Follow up on noted concerns.
- Provide wetland monitoring and annual wetland reporting for mitigation sites associated with constructed project.
- Provide project management and coordination with local/state/federal permitting authorities.
- Process payment requests in a timely manner and provide as-built Plans and construction documentation.
- Assist in securing the local matching funds for projects which may include: owner(s), township, counties, watershed district, or special interest groups (Ducks Unlimited, Minnesota Waterfowl Association, and others).

3) Initiative: FY 2012 & 2013 – OPERATIONAL & SUPPORT EXPENSES

Description: Use funding for operational and support expenses of AREA II Minnesota River Basin Projects Inc., for such things as: payroll, consultant engineering fees, field and office supplies, telephone / internet and computer services, training and certification, vehicle and equipment expenses, liability / business / auto insurance, and general business expenses.

4) Initiative: FY 2012 & 2013 – PROJECT IMPLEMENTATION VIA ADMINISTRATIVE GRANT

Description: See Potential Project List for FY2012 & FY2013 – Page 6.

5) Initiative: 2011 BONDING APPROPRIATION

Description: Provide project management and engineering services to construct flood damage reduction structures to meet the 3:1 match requirement and provide the most floodwater storage as practicable. Highest priority will be given to Road Retention structures which lack other funding resources which dams and grade stabilizations can secure.

Actions:

- Administer the \$1,000,000 appropriation and report project outcomes annually to BWSR Board. (See Attachment D)
- Complete fiscal expenditure report due at end of grant period listing total costs and cost-sharing by all partners.
- Facilitate wetland mitigation / creation if required by proposed projects.
- Provide project management and coordination with local/state/federal permitting authorities.
- Process payment requests in a timely manner and provide as-built Plans and construction documentation.
- Assist in securing the local matching funds for projects which may include: owner(s), township, counties, watershed district, or special interest groups (Ducks Unlimited, Minnesota Waterfowl Association, and others).



OTHER PROJECT ENDEAVORS

BIENNIAL PLAN – FY 2012 & 2013

MISSISSIPPI RIVER BASIN HEALTHY WATERSHEDS INITIATIVE (MRBI)

NATIONALLY:

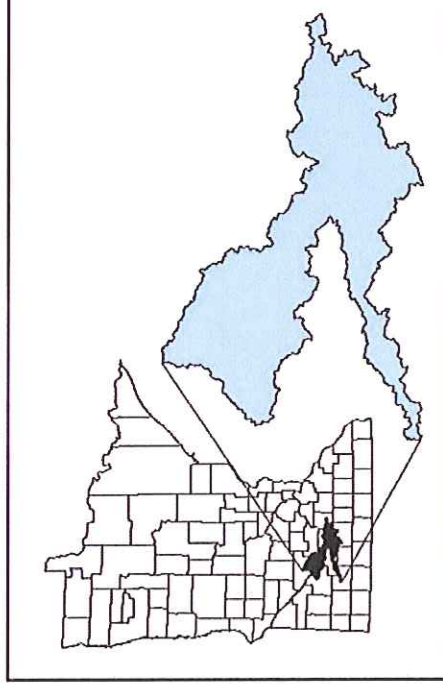
The Natural Resources Conservation Service (NRCS) will provide up to \$43 million through existing conservation delivery programs to support more than 70 projects in 11 states.

Minnesota will receive \$8.8 million from MRBI – more than any other state – to help landowners voluntarily implement practices to prevent, control and trap nutrient runoff from agricultural lands.

Targeted Minnesota Watersheds:

- Sauk River
- Root River
- Upper Cedar River

- **Middle Minnesota** →



LOCALLY:

The Redwood Soil & Water Conservation District made application to receive MRBI funding for the Middle Minnesota watershed that lies within Redwood County. The awarded grant provides for a total of eight (8) grade stabilization or grade stabilization restoration projects over the 4-year project period. \$80,000 is available the first year of the project and \$56,000 the consecutive 3 years. Funds will be distributed by the Environmental Quality Incentives Program (EQIP).



POTENTIAL PROJECTS

BIENNIAL PLAN – FY 2012 & 2013

PIPESTONE COUNTY

- Aetna 22 Road Retention

COTTONWOOD COUNTY

- Germantown 1 Grade Stab. Repair
- Delton 19 Streambank Stabilization
- Germantown 17 Streambank Stabilization

LINCOLN COUNTY

- Limestone 1 Road Retention (Bonding)

LYON COUNTY

- Amiret 29 Grade Stabilization
- Amiret 32/33 Road Retention
- Lynd 33 Grade Stabilization Repair
- Lynd 35 Grade Stabilization Repair
- Lynd 17 Grade Stabilization
- Coon Creek 24 Grade Stabilization
- Nordland 15 Grade Stabilization (EQIP funded)
- Custer 15 Grade Stabilization

MURRAY COUNTY

- Holly 22 Road Retention

Lake Sarah 34 Road Retention

Holly 4 Dam Repair

REDWOOD COUNTY

- Charlestown 28 Grade Stabilization Repair
- Gales 18 Grade Stabilization
- Springdale 17 Grade Stabilization
- Springdale 28 Grade Stabilization
- North Hero 34 Road Retention
- Springdale 29 Grade Stabilization Repair (Bonding)
- Honner 30 Grade Stabilization

Lamberton 18 Grade Stabilization Repair (CWF funded)

Lamberton 19 Grade Stabilization

Springdale 24 Grade Stabilization

Springdale 21 Road Retention

Sherman 8 Grade Stabilization Repair

Sherman 15 Grade Stabilization Repair

Honner 32 Grade Stabilization (CWF funded)

YELLOW MEDICINE COUNTY

- Sioux Agency 3 Grade Stabilization Repair

Norman 10 Grade Stabilization (EQIP funded)

KEY: BOLD – Completed Project, BLUE – 2012 Construction

- Germantown 1E Grade Stabilization Repair (EQIP funded)
- Storden 4 Grade Stabilization (EQIP funded)

Lake Stay 19 Road Retention or Dam (Coot WMA)

Amiret 18/19 Road Retention

Sodus 16 Grade Stabilization

Lake Marshall 31 Grade Stabilization Repair (EQIP funded)

Rock Lake 12 Grade Stabilization Repair

Lynd 31/32 Road Retention

Lynd 8 Grade Stabilization (EQIP funded)

Nordland 24 Grade Stabilization



FY 2013 TECHNICAL OFFICE BUDGET

BIENNIAL PLAN – FY 2012 & 2013

OFFICE OPERATIONS

PERSONAL SERVICES:

Directors' Compensation.....	\$ 5,580.00
Directors' FICA.....	427.00
Employees' Salaries.....	95,369.25
Employees' FICA.....	7,295.75
Employees' Medical Insurance.....	18,597.00
Employees' Retirement.....	6,914.27
Employee' FlexPlan.....	420.00
Total Personal Services.....	\$ 134,603.27

SUPPLIES:

Office.....	\$ 2,000.00
Field.....	500.00
Capital Outlay.....	0.00
Total Supplies.....	\$ 2,500.00

OTHER SERVICES AND COSTS:

Directors' Expenses.....	\$ 4,250.00
Employees' Expenses.....	1,750.00
Continuing Education.....	0.00
Professional Services.....	30,000.00
Maintenance & Repairs.....	2,200.00
Telephone.....	950.00
Postage.....	2,100.00
Vehicle Expense.....	3,500.00
Director's Insurance.....	1,605.00
Other Insurance.....	10,552.15
Rent.....	9,511.68
Miscellaneous & Other Expenses.....	3,000.00
Miscellaneous Expenses - Directors.....	0.00
Total Other Services and Costs.....	\$ 69,418.83

TOTAL OFFICE OPERATIONS.....	\$ 206,522.10
Total Ineligible for Cost-Share by the State.....	11,862.00*
Total Eligible for Cost-Share by the State.....	\$ 194,660.10

* These items not cost-shared by the State

STATE SHARE OF ELIGIBLE OFFICE COSTS.....	\$ 120,000.00
Local Share of Eligible Office Costs.....	\$ 86,522.10

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENTS

BIENNIAL PLAN – FY 2012 & 2013

ATTACHMENT A~ FY'12 COMPLETED PROJECTS

Amiret 29 Grade Stabilization	<u>\$ 14,801.88</u>	Delton 19 Streambank Stabilization	<u>\$ 22,041.16</u>
<i>(Lyon County)</i>		<i>(Cottonwood County)</i>	
RCRCA Cost-Share	\$ 10,921.41	EQIP Federal Funds	\$ 22,041.16
Landowner	\$ 3,700.47		
Area II Counties	\$ 180.00		
Lynd 17 Grade Stabilization	<u>\$40,987.90</u>	Germantown 1 Dam Repair	<u>\$ 59,393.35</u>
<i>(Lyon County)</i>		<i>(Cottonwood County)</i>	
2011 Bonding Funds	\$ 22,995.07	EQIP Federal Funds	\$ 26,391.34
Landowner	\$ 10,118.22	2010 BWSR Flood Disaster Relief Funds	\$ 27,062.68
Clean Water Funds	\$ 7,745.86	Landowner	\$ 5,939.33
Area II Counties	\$ 128.75		
Lynd 35 Dam Repair	<u>\$ 51,924.39</u>	Holly 4 Dam Repair	<u>\$ 17,988.50</u>
<i>(Lyon County)</i>		<i>(Murray County)</i>	
2006 Bonding Funds	\$ 25,032.08	2011 Bonding Funds	\$ 4,547.38
Landowner	\$ 8,266.73	EQIP Federal Funds	\$ 3,500.00
Clean Water Funds	\$ 13,911.21	Clean Water Funds	\$ 5,444.00
Area II Counties	\$ 714.37	Landowners	\$ 4,497.12
Lyon CLWP	\$ 4,000.00		
Rock Lake 12 Dam Repair	<u>\$ 5,218.00</u>	Amiret 18/19 Road Retention	<u>\$125,987.75</u>
<i>(Lyon County)</i>		<i>(Lyon County)</i>	
RCRCA Cost-Share	\$ 3,913.50	2011 Bonding Funds	\$ 94,490.81
Landowner	\$ 1,304.50	Lyon County	\$ 26,496.94
		Amiret Township	\$ 5,000.00
Gales 18 Grade Stabilization	<u>\$ 25,358.26</u>	Amiret 32/33 Road Retention	<u>\$ 95,474.06</u>
<i>(Redwood County)</i>		<i>(Lyon County)</i>	
2006 Bonding Funds	\$ 1,996.88	2011 Bonding Funds	\$ 71,605.55
RCRCA Cost-Share	\$ 17,021.82	Lyon County	\$ 18,868.51
Landowner	\$ 5,673.94	Amiret Township	\$ 5,000.00
Area II Counties	\$ 665.62		

SUMMARY OF FY'12 COMPLETED PROJECTS

2006 Bonding Funds	\$ 27,028.96
2011 Bonding Funds	\$ 193,638.81
EQIP Federal Funds	\$ 51,932.50
Clean Water Funds	\$ 27,101.07
BWSR Flood Disaster Relief	\$ 27,062.68
RCRCA Cost-Share	\$ 31,856.73
Area II Counties	\$ 1,688.74
County Funds	\$ 45,365.45
Comp. Local Water Plan Funds	\$ 4,000.00
Township Funds	\$ 10,000.00
Landowners	<u>\$ 39,500.31</u>
TOTAL	<u>\$ 459,175.25</u>

~ ATTACHMENT B ~

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



GRANT PERIOD:

From: July 1, 2010
To: June 30, 2011

**AREA II STATUTORY
AUTHORITY:**
MN Statutes, Sections
103F.171-103F.187

Administrative Services Grant Expenditures

*NOTE: Totals from
Audited Financial Report for
Year Ended June 30, 2011
Richard W. Holmberg, Ltd*

Personal Services	\$131,051
Other Services	\$68,141
Supplies	\$1,842
Investigation & Testing	\$ -0-
Capitol Outlay	\$ -0-
TOTAL EXPENDITURE	\$201,034

PROJECT CONTACT:

Kerry Netzke, Executive Director
(507) 537-6369
area2@starpoinet.net

**Project Title: FY'11 ADMINISTRATIVE SERVICES GRANT
AGREEMENT NO. 104-89 \$120,000.00**



Member Counties:

*Brown
Cottonwood
Lac qui Parle
Lincoln
Lyon
Murray
Pipestone
Redwood
Yellow Medicine*

Area II Minnesota River Basin Watershed Boundary

Overall Project Description

Minnesota Statutes establish a grant-in-aid program administered by BWSR for providing financial and technical assistance to local government units (counties, SWCDS, and watershed districts) located in Area II for project and construction costs of floodwater retarding and retention structures within a general plan for floodplain management.

Nine counties within Area II have entered into a Joint Powers Agreement since 1978 to coordinate the implementation of such floodwater retarding and retention projects, and for this purpose, established Area II Minnesota River Basin Projects, Inc.

Statute authorizes BWSR to supervise the program and provide individual project grants not to exceed 75% of total project costs where federal funds are not utilized, or 50% of the nonfederal costs where federal funds are utilized.

Area II has an established office which houses Area II personnel and equipment to provide the engineering and other technical services of projects cost-shared through this program.

Costs eligible for cost-sharing under this Grant Agreement include technical office costs and associated costs, but do not include Area II Directors' compensation, expenses, insurance and bonding costs. The combination of the nine member counties provide \$85,156.74 to the Administrative Services Grant of \$130,000. This is well beyond the required 25% local match.

~ ATTACHMENT C ~

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



GRANT PERIOD:

(Incl. extensions)

From: July 1, 2011
To: June 30, 2012

AREA II STATUTORY AUTHORITY:

MN Statutes, Sections
103F.171-103F.187

Administrative Services Grant Expenditures

*NOTE: Totals from
Treasurer's Report for
Month Ended February 29, 2012
(4 months of fiscal year remain)*

Personal Services	\$91,793.75
Other Services	\$59,479.71
Supplies	\$2,253.13
Investigation & Testing	\$23,555.00
Capitol Outlay	\$ -0-
TOTAL EXPENDITURE year to date	\$177,081.59

PROJECT CONTACT:

Kerry Netzke, Executive Director
(507) 537-6369
area2@starpoinet.net

**Project Title: FY'12 ADMINISTRATIVE SERVICES GRANT
CONTRACT NO. 34879 \$120,000.00**



Area II Minnesota River Basin Watershed Boundary

Member Counties:

Brown
Cottonwood
Lac qui Parle
Lincoln
Lyon
Murray
Pipestone
Redwood
Yellow Medicine

Overall Project Description

Minnesota Statutes establish a grant-in-aid program administered by BWSR for providing financial and technical assistance to local government units (counties, SWCDS, and watershed districts) located in Area II for project and construction costs of floodwater retarding and retention structures within a general plan for floodplain management.

Nine counties within Area II have entered into a Joint Powers Agreement since 1978 to coordinate the implementation of such floodwater retarding and retention projects, and for this purpose, established Area II Minnesota River Basin Projects, Inc.

Statute authorizes BWSR to supervise the program and provide individual project grants not to exceed 75% of total project costs where federal funds are not utilized, or 50% of the nonfederal costs where federal funds are utilized.

Area II has an established office which houses Area II personnel and equipment to provide the engineering and other technical services of projects cost-shared through this program.

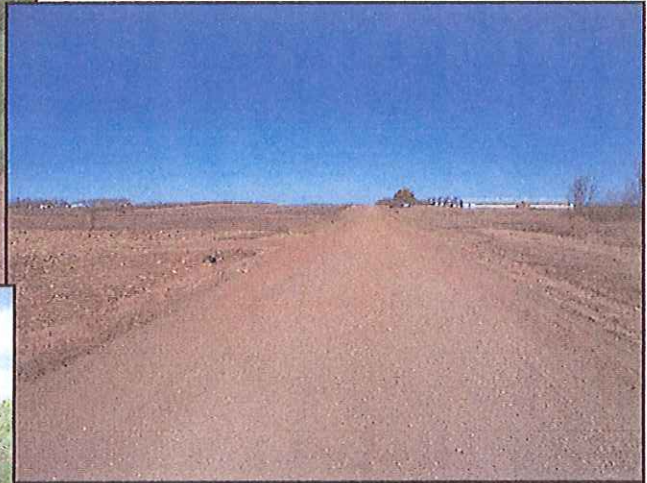
Costs eligible for cost-sharing under this Grant Agreement include technical office costs and associated costs, but do not include Area II Directors' compensation, expenses, insurance and bonding costs. The combination of the nine member counties provide \$85,156.74 to the Administrative Services Grant of \$120,000. This is well beyond the required 25% local match.

PROJECT CONTACT: Kerry Netzke, Executive Director
Phone: (507) 537-6369 Email: area2@starpoinet.net

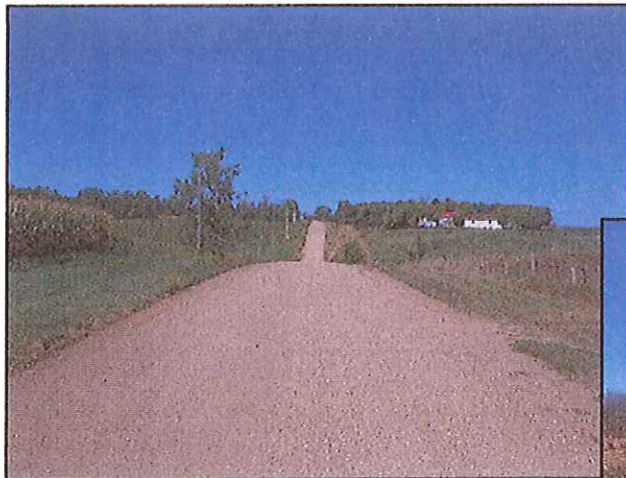
BEFORE AND AFTER PHOTOS OF PROJECTS



**AMIRET 32/33 ROAD RETENTION
(Lyon County)**



Replaced deficient bridge



**AMIRET 18/19 ROAD RETENTION
(Lyon County)**





BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**Minnesota River Board
FY13 Work Plan & Grant**

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Jeff Nielsen

Reviewed by: Southern Water Planning Committee Committee(s)

Presented by: Paul Langseth

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input checked="" type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Approval of fiscal year 2013 work plan and execution of fiscal year 2013 grant agreement.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Please see the Minnesota River Board Plan of Work (included) for history, goals, and budget.



Board Resolution # _____

Minnesota River Board
Fiscal Year 2013 Work Plan and Grant

WHEREAS, the 2011 Minnesota Legislature appropriated administrative funding for the Minnesota River Board, formerly known as the Minnesota River Basin Joint Powers Board, resulting in a fiscal year 2013 State General Funds grant of \$42,000;

WHEREAS, the Minnesota River Board developed a Plan of Work for fiscal year 2013, which they adopted on May 21, 2012;

WHEREAS, the Board of Water and Soil Resources staff have completed review of the Plan and recommend approval;

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Minnesota River Board for these funds.

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Date



Minnesota River Board

FY13 Work Plan and Budget

Minnesota River Board
135 Trafton Science Center South
Mankato, MN 56001
(507) 389-5491
www.minnesotariver.org

This plan was approved by the Minnesota River Board delegates on May 21, 2012.

Note from the MRB Executive Director

Dear MRB Delegates and MN River Partners:

On May 21, 2012 at the regular meeting of the Minnesota River Board, delegates approved this work plan and budget. In addition, the delegates approved a strategic plan for FY13-FY17 that calls for significant shifts in the way the MRB conducts business and secures funding. The challenge with the five-year strategic plan is that everything hinges on what we can accomplish during FY13. Therefore, this work plan represents the most critical components of the MRB plan for the next five years.

The delegates have voted to move ahead with a strategic plan that provides a foundation on which to evaluate the MRB structure, to consider the potential for basin board development, and to focus on fewer issues with considerably more intensity. It is my belief that the MRB delegates fully realize that the time has come to take a quantum leap forward as a basin, to embrace what the future holds, and to establish mechanisms that facilitate stability in our basin staffing and conservation efforts.

It brings me great pride in the MRB to see the strategic plan and this work plan approved unanimously at our last meeting. I know for fact that some of the delegates have reservations, but I applaud the board for opening the door to move forward into what may very well be an uncertain future. Our current status is precarious as well, so we have collectively moved ahead to forge our own path into the conservation efforts of tomorrow. This work plan lays out the first steps in MRB initiatives that we can be proud of and will have an impact.

The FY13 work plan is critical to the MRB future – and we are all going to need to be dedicated to its success. In addition, success of the MRB will rely on partnerships – and we are going to need our watershed friends and partners along the way. The strategic plan, however, is all about our collective needs – and so we approach these new initiatives with a common goal. I look forward to a very challenging year – but I also have great anticipation about the potential fruit of our efforts. If there are any questions, please do not hesitate to contact me.

Regards,

Dr. Shannon J. Fisher
MRB Executive Director

Minnesota River Board Basics and History

In 1992, the Minnesota River Citizen's Advisory Committee (MRCAC) was formed. In 1994, the MRCAC released the report, *Working Together: A Plan to Restore the Minnesota River*. The report detailed ten recommendations (listed below) that the participants believed would improve Minnesota River health.

- restore floodplains and riparian areas,
- restore wetlands,
- manage drainage ditches and storm sewers as tributaries,
- improve land management practices,
- monitor water quality throughout the Minnesota River Basin,
- establish a "Minnesota River Commission" to oversee the clean-up effort,
- establish local joint powers agreements,
- improve technical assistance to local governments,
- engage the general public, and
- enforce existing laws

As a result of the MRCAC recommendations and increasing Minnesota River awareness, the Minnesota River Basin Joint Powers Board (formally changed names to the Minnesota River Board in 2009 and hereafter referred to as MRB) was forged in 1996 (*Minnesota Statute 103F.378*). The MRB was founded on

- the desire to collaborate and leverage in a judiciously appropriate manner and
- the desire to assume a leadership role and be more pro-active in the coordination of basin-wide water quality improvement efforts at all levels.

As a result of legislative changes to Minnesota Statute 103F.378 in 2009, the role of the MRB was changed slightly – emphasizing the desire to develop an inclusive and active technical and citizen advisory board, the board's work on projects that span multiple major watersheds, and our work to serve as a voice for the basin and provide support to our many basin partners.

Mission and Vision

MRB Mission Statement

"To provide leadership, build partnerships, and support efforts to improve and protect water quality in the Minnesota River Basin"

MRB Vision Statement

"Conservation and restoration of Minnesota River resources and our way of life can only be achieved by a cooperative effort between citizens and all levels of government and business."

Organizational Structure

The MRB partnership structure (Figure 1) has been in place since 2003 and remains a desirable and productive organizational profile. The internal structure of the Minnesota River Board has been under discussion and this strategic plan includes a plan to evaluate and potentially implement a merger between the MRB and the Technical Advisory Committee. The Water Resources Center at Minnesota State University, Mankato has been and will continue to provide contractual support and infrastructure for the MRB.

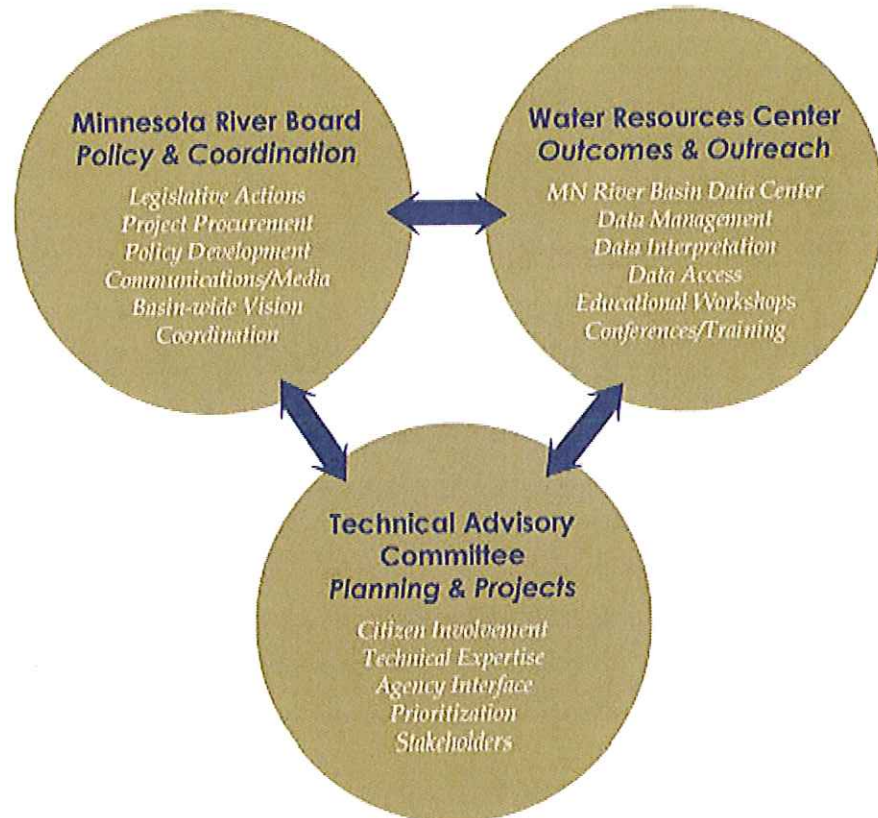


Figure 1. MRB Organizational Structure

Staff and Contact Information (as of July 2012)

Shannon J. Fisher, Executive Director
Susie D.G. Carlin, Program Director
Karnell W. Johnson, Office/Grants Manager

(507) 389-5690; shannon.fisher@mnsu.edu
(507) 389-6279; susan.carlin@mnsu.edu
(507) 389-5491; karnell.johnson@mnsu.edu

Technical Project Staff (contract services)

Rick Moore, Research Scientist (GIS, Watershed Models, BMP Assessment, Monitoring)
richard.moore@mnsu.edu; (507) 389-5491
Kimberly Musser, Research Scientist (Communications, Outreach, Civic Engagement)
kimberly.musser@mnsu.edu; (507) 389-5491

Membership

The MRB is a joint powers board charged with coordinating efforts to improve water quality in the Minnesota River Basin by providing assistance to the major watersheds. Member counties contribute by paying dues and appointing a commissioner to serve as a delegate and another as an alternate (Table 1). An advisory committee advises the board and consists of a range of technical staff, conservation professionals, and private citizens. Due to challenges in maintaining the advisory committee, we are evaluating the potential to merge this committee into the main MRB structure. For counties wishing to return to the board, re-admission procedures were approved in January of 2008. Contact the MRB staff for more information.

TABLE 1. MINNESOTA RIVER BOARD 2012 MEMBER DIRECTORY

LAST	FIRST	COUNTY	DEL/ALT
WULFF	WALTER	BIG STONE	DELEGATE
ATHEY	WADE	BIG STONE	ALTERNATE
CAMPBELL	DREW	BLUE EARTH	DELEGATE
PIEPHO	MARK	BLUE EARTH	ALTERNATE
ISCHE	JAMES	CARVER	DELEGATE
MALUCHNIK	RANDY	CARVER	ALTERNATE
ANDERSON	DENNIS	CHIPPEWA	ALTERNATE
DAHLVANG	JIM	CHIPPEWA	DELEGATE
OELTJENBRUNS	JOHN	COTTONWOOD	DELEGATE
KUECKER	RON	COTTONWOOD	ALTERNATE
EGAN	THOMAS	DAKOTA	DELEGATE
WORKMAN	LIZ	DAKOTA	ALTERNATE
GROSKREUTZ, JR.	BILL	FARIBAULT	DELEGATE
YOUNG	GREG	FARIBAULT	ALTERNATE
BELSHAN	DANIEL	FREEBORN	ALTERNATE
MATHIASON	GLEN	FREEBORN	DELEGATE
CALLISON	JAN	HENNEPIN	DELEGATE
MCLAUGHLIN	PETER	HENNEPIN	ALTERNATE
LARSON	RICHARD	KANDIYOHI	ALTERNATE
MADSEN	HARLAN	KANDIYOHI	DELEGATE
SOLEM	HAROLD	LAC QUI PARLE	DELEGATE
OVERLANDER	TERRY	LAC QUI PARLE	ALTERNATE
ROHLFING	STEVE	LE SUEUR	DELEGATE
DOHERTY	JOE	LE SUEUR	ALTERNATE
DONNELLY	STEVE	MARTIN	ALTERNATE
POTTER	JACK	MARTIN	DELEGATE
TERLINDEN	KERMIT	MCLEOD	DELEGATE
WRIGHT	PAUL	MCLEOD	ALTERNATE
GIESE	JOHN	MURRAY	DELEGATE
VICKERMAN	KEVIN	MURRAY	ALTERNATE
BEATTY	BRUCE	NICOLLET	DELEGATE
STENSON	JAMES	NICOLLET	ALTERNATE
ORTEGA	RAFAEL	RAMSEY	ALTERNATE
REINHARDT	VICTORIA	RAMSEY	DELEGATE
KOKESCH	AL	REDWOOD	ALTERNATE
SCHUELLER	JOHN	REDWOOD	DELEGATE
SETZEPFANDT	PAUL	RENVILLE	DELEGATE
FOX	BOB	REVNILLE	ALTERNATE
MENDEN	DAVE	SCOTT	DELEGATE
NELSON	PAUL	SCOTT	
WAGNER	JOE	SCOTT	ALTERNATE
COHRS	JOY	SIBLEY	DELEGATE
SWANSON	JIM	SIBLEY	ALTERNATE
STAPLES	RON	STEVENS	DELEGATE
ENNEN	JEANNE	STEVENS	ALTERNATE
KUHNS	DANIEL	WASECA	DELEGATE
PETERSON	JAMES	WASECA	ALTERNATE

FY13 GOALS AND PROGRESS MEASURES

NOTE: This work plan is based on how our individual goals satisfy the duties outlined in Minnesota Statute 103F.378 (text included below). Therefore, for each subdivision and duty, at least one deliverable that helps us achieve the statutory requirement is listed. The Executive Director, with approval of the Board, reserves the right to modify these work duties as needed and is responsible for completing and/or delegating duties to the staff to ensure satisfactory progress.

103F.378 MINNESOTA RIVER BOARD.

Subdivision 1. Duties.

The Minnesota River Board, established under section [471.59](#) for the purpose of coordinating efforts to improve water quality in the Minnesota River Basin and achieving the goal of making the Minnesota River suitable for fishing and swimming by providing leadership, building partnerships, and supporting watershed programs in collaboration with the Water Resources Center at Minnesota State University, Mankato, has the following duties:

(1) compiling and submitting to the governor, the legislature, the Board of Water and Soil Resources, and all watershed partners:

(i) comprehensive water quality improvement and watershed management cleanup goals for the Minnesota River Basin, prepared by reviewing and summarizing the work plans of the 12 major watersheds, basin counties, state agencies, and other partners active in water quality programming;

(ii) a biennial report highlighting the results and progress of projects in the 12 major watersheds of the Minnesota River Basin; and

(iii) periodic basin-wide water quality improvement plans;

Deliverable(s):

A) Side-by-side comparison of basin conservation organizations to determine mission, financial, and statutory commonalities.

a. Provide a report to basin partners, counties, legislators, governor, and state agency representatives regarding the results from above.

B) Inventory basin county approaches to public waters buffer installation motivations, redeterminations of benefits, and local enforcement practices of water-related state rules.

a. Provide a report to basin partners, counties, legislators, governor, and state agency representatives regarding the results from above.

b. Produce a resolution to the MRB position on the above-mentioned issues.

(2) advising on water quality and watershed management projects, including implementation and coordination of TMDLs under the Clean Water Legacy Act as provided in chapter 114D, and promotion of data incorporation into the planning processes associated with county water plans, watershed plans, and, as appropriate, planning and zoning decisions in the Minnesota River Basin;

Deliverable(s):

A) Provision of technical expertise to basin partners

a. Provide data, technical expertise, testimony, conflict resolution as requested.

B) Provision of Watershed Management, Permit, and other Environmental Review as requested

a. Send out letter to basin stakeholders, including counties, conservation organizations, and agencies, to inform them of our capacity and willingness to review plans, permits, and other environmental review materials.

b. Discuss and potentially establish a protocol for providing comments on reviewed materials.

(3) conducting public meetings of the board on at least a quarterly basis at locations within the Minnesota River Basin;

Deliverable(s):

A) Completion of 6 Meetings of the Board

- a. 5 regular board meetings, each of which will include a business meeting and education component, to include speakers, tours, and/or other activities. At least one of these meetings shall include a significant partnership with a local stakeholder.
- b. The sixth meeting shall represent the Board's annual meeting and watershed professionals assembly – a one-day event that includes a registration fee, lunch, and program that explores local, regional, and national current issues.
- c. Meetings will be divided into three work areas. Two in each of the following basic regions: Western Basin, Central Basin, and Eastern Basin.
- d. Increase executive committee work sessions from a minimum of two to a minimum of four. Two sessions can be completed via conference call (if desired).

(4) conducting an ongoing information and education program concerning the status of the Minnesota River Basin and sponsoring and coordinating continuing education opportunities in cooperation with watershed partners in the basin;

Deliverable(s):

A) Educational Segments at MRB Meetings

- a. As part of each MRB meeting, maintain an educational component in cooperation with local watershed partners and/or provision of basin-wide issues.

B) Assessment of a MN River Threat

- a. Identify a threat of great concern to MN River constituents worthy of evaluation and complete a literature review and assessment of the identified threat, including the development of a fact sheet and/or video clip for distribution.
- b. Convene a one-day conference on the identified threat.

C) Minnesota River Research Forum

- a. Develop and implement at least one research forum on a topic of interest to basin partners, including water planners, SWCD staff, elected officials, agency staff, agricultural producers, and others. (Anticipate follow up forum on Near-Source Sediment Management in collaboration with commodity groups)

(5) providing periodic reports and budget requests to the governor's office, appropriate committees of the legislature, and the Board of Water and Soil Resources regarding progress on meeting river water quality management goals, future funding required for this effort, and biennial legislative requests to provide funding for the effort;

Deliverable(s):

A) See Reports to be delivered under other sections.

B) Extended MRB Legislative Request

- a. Work with MRB member counties to review the water plan report from FY12 and determine priorities within each major watershed and as a basin.
- b. Develop a set of recommendations to be forwarded to the legislature and governor's office.

(6) coordinating and promoting, in partnership with and on behalf of water quality and watershed management stakeholders, policy development and implementation of projects that affect multiple major watersheds and target reduction of pollutant inputs into the Minnesota River;

Deliverable(s):

A) Conservation Marketplace Midwest (CMM)

- a. Facilitate the conversion of CMM to a non-profit entity, including support and administration for filing applications, submitting grants, etc.
- b. Pending future CIG award and/or other funding, provision of hiring, budget, and agreement assistance.

B) Nutrient Tracking Tool (NTT) Evaluation

- a. Continue with year two of the work plan for the NTT project, including contracting with the WRC for needed staffing.
- b. Provide a fact sheet about the NTT project for general distribution.

C) Water Storage Project

- a. Launch water storage 319 project as per approved work plan, including contracting with the WRC for needed staffing.
- b. Provide summary of basin water storage projects already in place and a fact sheet about the 319 water storage project for general dissemination.

(7) facilitating the identification of and application for water quality improvement implementation and research funding for projects that affect multiple major watersheds and benefit local watershed efforts and providing assistance to local project managers, partners, state agencies, the legislature, or the governor's office;

Deliverable(s):

A) Provision of grant-writing assistance

- a. Provide assistance with grant applications to basin partners as requested.

B) External Funding Applications

- a. Prepare and submit grant application(s) requesting a collective minimum of at least \$250,000 in assistance – with the MRB as a sponsor or collaborator.
- b. Testify at approved LCCMR application hearings.
- c. Work to diversify funding mechanisms as discussed above and to apply for funds from a minimum of five different sources.

(8) advocating to promote and advance basin issues identified by county and watershed partners at the legislature, among the state agencies, and with the governor;

Deliverable(s):

A) Basin Legislation

- a. Continue to track and communicate with local partners and legislative sponsors of basin legislation, and other bills of interest.

B) Provide a research summary regarding water quality impacts on open-tile intakes.

- a. Prepare a resolution on the MRB position regarding open tile intakes.

C) Advance funding stabilization and board structure assessments.

- a. Establish a budget that supports the basin board and major watershed organizations. The Basin board budget portion will be prepared and submitted to the BWSR BBR process.

- b. Establish committees to review funding and board structures and present recommendations to the full board.
- c. Prepare a series of models that provide insight about various basin-board funding tactics.
- d. Verify that the board structure modifications are basin-board conducive.
- e. Finalize and endorse alternatives for funding strategies and board structure for potential inclusion in the 2013 legislative session.

(9) promoting cooperation among the numerous water quality and watershed management units in the basin;

Deliverable(s):

A) Networking Involvement

- a. Continue maintaining involvement with the Minnesota River Watershed Alliance and the MPCA Watershed Network, along with other participation that helps advance this duty.

B) Work together as a basin to prioritize public ditch systems in greatest need of redeterminations of benefits.

- a. Determine ditch viewer availability and needs.

(10) providing conflict resolution and meeting facilitation services as requested; and

Deliverable(s):

A) Mount Simon Aquifer Facilitation

- a. Continue serving as the liaison between the Minnesota Department of Natural Resources and 7 Mount Simon aquifer permit holders.
- b. Facilitate ongoing work needed to collect data, provide reports, handle finances, and address concerns between/among the involved parties, including the establishment of two new monitoring wells.

B) Provider moderator assistance as requested.

(11) striving to advance basin-wide water quality improvements while promoting both local projects and managing regional initiatives.

Deliverable(s):

A) Local Outreach Grants

- a. Provide a grant program to assist local government units to promote regional and basin-wide priorities as funding allows.

B) Recognition and Advancement of Conservation Efforts

- a. Continue annual recognition of people making a difference in the basin through of "Confluence" and "Tributary" recognitions.
- b. Continue providing recognitions for students working on water-based projects in the Regional Science Fairs.

C) Communications

- a. Utilize student workers to continue the provision of the Minnesota River Weekly Update, highlighting basin projects, job openings, regional news, and conservation announcements.

Subd. 2. Membership; advisory committee.

(a) Upon acceptance of the joint powers agreement and payment of annual dues, each member county shall appoint one county commissioner as its delegate to the board and one county commissioner as an alternate. Delegates and alternates shall serve at the pleasure of the county board that appointed them. The delegates shall elect a chair and other officers as determined by the board.

Work Plan Task(s):

- A) Assign delegates to the set of committees approved in FY12 and have each committee prepare a list of detailed tasks associated with their committee.**
- B) Using the information on board structure and funding options above, engage representatives of major watersheds to gather input on potential changes and bring forth recommendations to the full board.**

(b) An advisory committee, appointed by the chair of the Minnesota River Board, shall be established to provide input on policy development, technical advances, continuing education programs, and other areas of concern identified by the delegates to the board or the advisory committee. Members of the advisory committee shall serve three-year terms. Members shall serve until the end of their terms or until a successor has been appointed, whichever is later. The advisory committee may consist of representatives from county water planning entities, county planning and zoning, county environmental services, drainage authorities, soil and water conservation districts, watershed districts, watershed projects, watershed management organizations, municipalities, special interest groups, citizens, agricultural organizations, state agencies, sporting organizations, and other entities as identified by the advisory committee or the delegates. The advisory committee serves as a forum to raise concerns that the Minnesota River Board should address.

Work Plan Task(s):

- A) Initiate a discussion on major watershed water planning efforts and overview the opportunities and challenges of moving from county-based to watershed-based water plans.**
- B) Enhance the delivery of the Minnesota River Weekly to be provided via the listserve associated with the Watershed Alliance.**
- C) Utilize advisory committee members to review and rank programming applications as needed.**

FY13 Minnesota River Board Budget Worksheet

Line Items (details listed below budget)	Funding Source Used for Line Item Expense FY13			Totals	Difference from FY12
	State of MN	County Funds	External		
Income					
Funds Carried Forward	\$16,178	\$28,826	\$11,520	\$56,524	(\$23,213)
State of Minnesota - BWSR Grant	\$42,000			\$42,000	\$0
County Dues Collection		\$35,397		\$35,397	\$0
MCIT Insurance Refund*		\$2,398		\$2,398	\$0
Indirects Cost Recovery*		\$4,290		\$4,290	(\$19,411)
NTT 319 Grant			\$56,602	\$56,602	\$27,892
Water Storage 319 Grant*			\$96,146	\$96,146	\$96,146
Conference Registrations*		\$8,000		\$8,000	\$1,310
MPCA Civic Engagement Contract*			\$59,422	\$59,422	\$59,422
Mt Simon Monitoring			\$57,204	\$57,204	\$52,534
Totals	\$58,178	\$78,911	\$280,894	\$417,983	
<u>Estimated Expenses</u>					
<u>Staff Positions</u>					
0.33 FTE Executive Director		\$38,888	\$741	\$39,629	(\$19,461)
0.70 FTE Office/Grants Manager		\$10,367	\$21,068	\$31,435	\$13,072
0.62 FTE Program Director	\$38,688			\$38,688	(\$11,252)
Tech Assistance for WRC Specialists			\$24,322	\$24,322	(\$23,496)
Student Worker(s)	\$2,000	\$1,500		\$3,500	\$1,500
MRB Graduate Assistant	\$912	\$8,422	\$8,756	\$18,090	\$18,090
MCIT Insurance		\$3,400		\$3,400	(\$329)
MRB Meeting Expenses		\$750		\$750	(\$150)
Communications	\$400	\$400		\$800	(\$700)
Travel	\$4,800	\$2,000	\$2,651	\$9,451	\$2,021
Printing	\$1,800	\$600		\$2,400	(\$550)
Awards/Student Incentives Program		\$500		\$500	\$0
Supplies/Equipment/Maintenance		\$500	\$2,113	\$2,613	(\$5,165)
Legal Retainer		\$600	\$600	\$1,200	(\$1,200)
Technical Advisory Committee Expenses	\$250	\$250		\$500	(\$500)
MSU Contract Indirect Costs (8%)	\$3,328	\$4,734	\$4,391	\$12,453	(\$2,473)
Outreach/Programming	\$6,000	\$6,000		\$12,000	\$0
Subcontracts/contractual services			\$216,252	\$216,252	(\$41,471)
Total Expenditures	\$58,178	\$78,911	\$280,894	\$417,983	
Reserve Funds	\$0	\$0	\$0	\$0	(\$40,346)
*Estimated values					

FY13 Income Details – corresponding to the line items listed above.

- Funds carried forward
 - Remaining balances anticipated from FY12.
- State of MN
 - The MN legislature has currently approved a grant through BWSR of \$42,000 to aid in administration, outreach, and reporting progress in the Basin.
- County Income
 - Anticipated dues collected from member counties in 2012 for use during the FY13 fiscal year. Dues were held stable for FY12 and FY13.
- MCIT Insurance Refund
 - The estimated value of our dividend check from MCIT Insurance.
- Indirect Cost Recovery (estimated)
 - 8% cost recovery from labor and other allowable portions of the 319 NTT and Water Storage Grants and Mount Simon Project data collection and administration.
- Nutrient Trading Tool (NTT) 319 grant Contract Allowance
 - Income to cover expenditures associated with the 319 NTT project (both internal and external). This project has been contracted and is underway.
- Water Storage 319 Grant
 - Income to cover expenditures associated with the 319 Water Storage project (both internal and external). This grant has been approved and the income is anticipated, but not yet contracted.
- Conference Registrations
 - Estimated income from registration fees collected at the MRB annual meeting/Professionals Assembly (\$2,000 – estimated 100 people at \$20 each) and additional sponsored conferences or forums (\$6,000 – estimated at 120 people at \$50 each)
- MPCA Civic Engagement training series contract
 - Internal and external expenditures covered by an agreement with MPCA and in association with University of MN Extension. This contract was approved by the board on May 21, 2012, but has not yet been fully executed.
- Mt. Simon Monitoring
 - Payment for services rendered and reimbursement for expenditures from Mt Simon Permit Holders and the MN Department of Natural Resources to facilitate, mediate, and provide data management to an aquifer monitoring initiative. This year also includes costs associated with establishment of two new wells.

FY 13 Expenditure Details

- Executive Director:
 - Executive Director position reduced to 33% (from 50%) for FY13 ONLY. Strategic plan calls for an assessment in FY13 of MRB Staffing needs. Intent is to utilize Dr. Fisher as more of a consultant, with increased time moved to the Office Manager and a Graduate Assistant to prepare documents, schedule events, and participate in programs.
- Office/Grants Manager:
 - Position increased from 49% to 70% FTE with Ms. Johnson taking on additional roles for FY13 ONLY in preparing documents, leading initiatives, etc.... based on input and oversight of the Director, but with more independent responsibility.
- Program Director
 - 62% FTE with another 18% FTE being paid by an externally secured McKnight grant at the WRC (wages + fringe). Salary savings used due to the departure of our ecosystem services specialist allowed for carry-over funds to fill out this position for FY13. There are currently no anticipated funds for this position beyond FY13.
- Technical Assistance from WRC Specialists
 - Option 2: \$3,918 (Kim Musser, MPCA Civic Engagement) and \$20,404 (Rick Moore, GIS, 319 Project Management, and Mt. Simon data support).
- Student Worker(s)
 - Funding for undergraduate students at MSU, Mankato to assist with a variety of tasks and gain practical experience. Duties will include ongoing assistance with the Watershed Alliance weekly and quarterly publications.

- Graduate Assistant:
 - Graduate Assistant added to staff for the period August 27, 2012 through June 30, 2013, with an additional year desirable, but will be funding dependent. Funds include: \$4,500 stipend and \$3,105 tuition coverage for Fall Term 2012 and Spring Term 2013 (20 hours/week minimum of work for MRB while school is in session) and \$2,880 for 240 additional labor hours at \$12/hr.
- MCIT Insurance
 - Estimated Annual Insurance Payment
- MRB Meeting Expenses
 - Base expenses for 5 MRB business meetings and 2 executive committee planning sessions, including room rental and refreshments as needed. NOTE: Annual meeting expenses, tours, speaker fees, per diem and other travel costs are budgeted for in Programming.
- Communications
 - Postage (\$200) and MRB Office phones (\$600)
- Travel
 - Vehicle Rental/mileage reimbursement for various travel needs (\$4,800), Staff and Guest Lodging, Travel, Registration fees, and per diem (\$1,500); executive committee per diem for special meetings only (\$500); Grant-based travel is also included (\$2,651)
- Printing
 - Preparation of various reports, newsletters, stationary needs, in-house copy needs via printer lease and/or copy supplies at MSU, Mankato (\$2,400)
- Awards Program/Student Incentives Program
 - "Tributary" and "Confluence" Awards (\$50), Science Fair Awards (\$450, 4 Sr/Jr awards at \$50, 8 Elementary awards at \$25)
- Supplies/Equipment/Maintenance
 - Various office supplies, software upgrades, chairs, etc... as needed, primarily in support of the 319 projects, but also for general MRB office needs, including maintenance on computers and other equipment. Also includes some supplies for Mt. Simon Monitoring.
- Legal Retainer with Rinke Noonan
 - Reduced to \$100/month based on past use.
- Technical Advisory Committee Expenses
 - Provide lower basic funding level to facilitate communication among technical and citizen advisor collaborations to meet work/strategic plan goals.
- MSU, Mankato Indirect Costs:
 - Approximately \$165,464 of this budget will be contracted with the Water Resources Center at MN State University, Mankato to cover staff salary and fringe plus large portions of Communications, Travel, and Printing. An 8% indirects rate would be applied only to salary and fringe due to most external grants now only allowing indirects to be applied to those lines – thus a new agreement would likely need to be negotiated with MSU, Mankato; however, as a result of the change, indirects paid out are reduced.
- Outreach/Programming
 - Funds for workshops, trainings, and conferences on grants/funding opportunities, ongoing research, program updates, annual meeting events, etc..., including items like the MRB Annual Meeting and a Minnesota River Research Forum or other technical-based conferences.
- Subcontracts/Contractual Services
 - Services as detailed in various grant and contract agreements for technical services, web site development, model evaluation, and technical planning provided by various partners.
- Reserve Funds
 - Although undesirable, no reserve funds are anticipated by the end of FY13.

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. Proposed FY'13 SWCD Programs and Operations Grants Allocations –
DECISION ITEM
2. Proposed FY'13 Natural Resources Block Grant – ***DECISION ITEM***
1. FY2013 Clean Water Fund and Competitive Grants Program: Policy and Request for
Proposals – ***DECISION ITEM***
4. Targeted Drainage Water Management Grants – ***DECISION ITEM***
5. BWSR Native Vegetation Establishment and Enhancement Guidelines –
DECISION ITEM



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **FY '13 SWCD PROGRAM and OPERATIONS GRANTS ALLOCATIONS**

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: LAND & WATER
Contact: Wayne Zellmer
Prepared by: Wayne Zellmer
Reviewed by: GRANTS PROGRAM & POLICY Committee(s)
Presented by: Wayne Zellmer

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☒ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input checked="" type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Approval of proposed FY '13 SWCD Program and Operations Grants Allocations.

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The 2011 Legislature has appropriated funding for the FY '13 SWCD Program and Operations Grants; Conservation Delivery, Easement Delivery, and Non Point Engineering Assistance, and Cost Share Program. The Grants Program & Policy Committee forwards recommendations for individual SWCD allocations.

Board Resolution # _____

**FISCAL YEAR '13 SWCD PROGRAMS AND OPERATIONS
GRANTS ALLOCATIONS**

WHEREAS, Fiscal Year '13 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and conservation delivery grants allocations to SWCDs through its State Cost Share Grants, Conservation Delivery Grants, Easement Delivery Grants, and Non Point Engineering Assistance Grant Programs, and;

WHEREAS, Laws of Minnesota 2011, 1st Special Session, Chapter 2, Article 1, Section 5, appropriate cost share and conservation delivery grant funds to BWSR, and;

WHEREAS, as required by the appropriation, all SWCDs that have BWSR approved plans and reports are eligible to receive these grants, and;

WHEREAS, the Grants Program & Policy Committee reviewed the proposed SWCD grants allocations on May 23, 2012.

NOW THEREFORE BE IT RESOLVED, the Board authorizes:

1. Staff to allocate grant funds to individual SWCDs up to the amounts listed below and as provided on the attached allocation spreadsheet, *Proposed FY '13 SWCD Programs and Operations Grants*:

State Cost Share Base Grants	\$1,559,999
Conservation Delivery Grants	\$1,765,000
Easement Delivery Grants	\$290,996

2. Allocate the Non Point Engineering Assistance Grants to joint powers boards up to the \$1,060,000, as listed below:

NPEA Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	\$120,000	\$10,000	\$0	\$130,000
2	\$120,000	\$5,000	\$20,000	\$145,000
3	\$120,000	\$10,000	\$0	\$130,000
4	\$120,000	\$5,000	\$0	\$125,000
5	\$120,000 [*]	\$10,000	\$20,000	\$150,000
6	\$120,000	\$5,000	\$0	\$125,000
7	\$120,000	\$10,000	\$0	\$130,000
8	\$120,000	\$5,000	\$0	\$125,000

3. Authorize SWCDs, to use all or part of their allocation for technical assistance, when the following conditions exist:

- i. Federal funds will be leveraged and they couldn't do the project otherwise;
Or,
- ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2011 Financial Report indicates less than an 18-month fund balance; and
- iii. Board Conservationist approval.

Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments: *Proposed FY '13 SWCD Programs and Operations Grants*

PROPOSED FY '13 SWCD PROGRAMS and OPERATIONS GRANTS, NPEA ALLOCATIONS

Conservation Delivery	\$1.765 M
Easement Delivery	\$.291 M
Non Point Engineering Assistance	<u>\$1.060 M</u>
	\$3.116 M

The 2011 Legislature in their 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 5:

20.18 \$3,116,000 the first year and \$3,116,000
20.19 the second year are for grants requested
20.20 by soil and water conservation districts for
20.21 general purposes, nonpoint engineering, and
20.22 implementation of the reinvest in Minnesota
20.23 reserve program.

Conservation Delivery Grants - \$1,764,033

Conservation Delivery Grants provide each Soil and Water Conservation District with funds for the general administration and operation of the district. These administrative and operational costs include paying for the costs of: employing staff, office space, transportation, postage and utilities, and supervisors' compensation and expenses.

Grant amounts are identical to FY '12 allocations, and are listed on the attachment *PROPOSED FY '13 SWCD PROGRAMS and OPERATIONS GRANTS*.

Easement Delivery Grants - \$291,000

This grant amount is to assist each SWCD with their site inspection costs and other miscellaneous management activities associated with the easements in their county. These activities include ownership changes, staking boundaries, conservation plan revisions, and assisting landowners with ongoing maintenance of installed conservation practices.

The BWSR currently holds 5,427 conservation easements on 209,231 acres throughout the state. SWCDs range from a low of 0 easements in 12 SWCDs, to a high of 406 easements in Renville SWCD. The grant amount for FY '13 is based on \$53.62 per easement.

Non Point Engineering Assistance - \$1,060,000

The Non Point Engineering Assistance (NPEA) Grants are allocated annually to the NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices.

This Grant Program is proposed be implemented according to the August 2008 BWSR adopted *CTAC Short-Term Consensus Recommendation to Address Structure and Financial Challenges of the NPEA Program Proposed Clarifications by Recommendations Work Group*

The following policy from this Recommendation directs the FY '13 allocations as follows:

1. \$70,000 per 1 FTE engineer (TSA staff or contracted)
2. \$50,000 per 1 FTE technician (TSA staff or contracted)
3. Maximum annual grant amount for staff or contracted engineering services = \$120,000 per TSA. If less than the maximum is requested by one or more TSAs, the difference is split equally among all TSAs.
4. Additional \$5,000 per Host and/or Fiscal Agent SWCD (up to 2 Host SWCDs per TSA). The TSA decides how to distribute between Host and Fiscal Agent SWCD and Host-only SWCD.
5. 1 Fiscal Agent SWCD per TSA must be a Host SWCD, if the TSA has staff.
6. In order to help develop and maintain consistency across TSAs, the remaining state funding (estimate \$40,000/year, depending on number of Host SWCDs statewide) is used for NPEA staff training, computer hardware, software, and survey equipment and associated costs. This is based on an annual plan developed by NPEA staff and BWSR and coordinated with TSAs prior to grant allocations for current fiscal year.
7. Minimum 10% cash local share, from other than NPEA grant \$, for engineering assistance in the TSA.

Local share does not include in-kind services, but can include local, other state and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- Fees for services (from landowners, or other sources)
- Member SWCD cash contributions
- Federal TSP funding
- Federal grant funds
- Other state programs
- Gifts and donations

FY '13 NPEA Grants are proposed to be allocated according to the Board adopted policy as follows:

NPEA Area	Base Grant	Host/Fiscal Agent SWCD	Equipment	Total Grant
1	\$120,000	\$10,000	\$0	\$130,000
2	\$120,000	\$5,000	\$20,000	\$145,000
3	\$120,000	\$10,000	\$0	\$130,000
4	\$120,000	\$5,000	\$0	\$125,000
5	\$120,000	\$10,000	\$20,000	\$150,000
6	\$120,000	\$5,000	\$0	\$125,000
7	\$120,000	\$10,000	\$0	\$130,000
8	\$120,000	\$5,000	\$0	\$125,000
TOTAL				\$1,060,000

PROPOSED FY'13 SWCD STATE COST BASE SHARE GRANTS - \$1.56 M

The 2011 Legislature in their 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 5:

20.33 \$1,560,000 the first year and \$1,560,000
 20.34 the second year are for grants to soil and
 20.35 water conservation districts for cost-sharing
 21.1 contracts for erosion control, water quality
 21.2 management, feedlot water quality projects.

The purpose of this program is to provide grants to SWCDs so they can help local landowners or land occupiers offset the costs of installing conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation. As in the previous biennium, accompanying legislation,

21.27 Notwithstanding Minnesota Statutes, section
 21.28 103C.501, the board may shift cost-share
 21.29 funds in this section and may adjust the
 21.30 technical and administrative assistance
 21.31 portion of the grant funds to leverage
 21.32 federal or other nonstate funds or to address
 21.33 high-priority needs identified in local water
 21.34 management plans.

also allows SWCDs, to use all or part of their allocation for technical assistance, when the following proposed conditions exist:

1. Federal funds will be leveraged and they couldn't do the project otherwise.
Or,
 2. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2010 Financial Report indicates less than an 18-month fund balance.
- And,

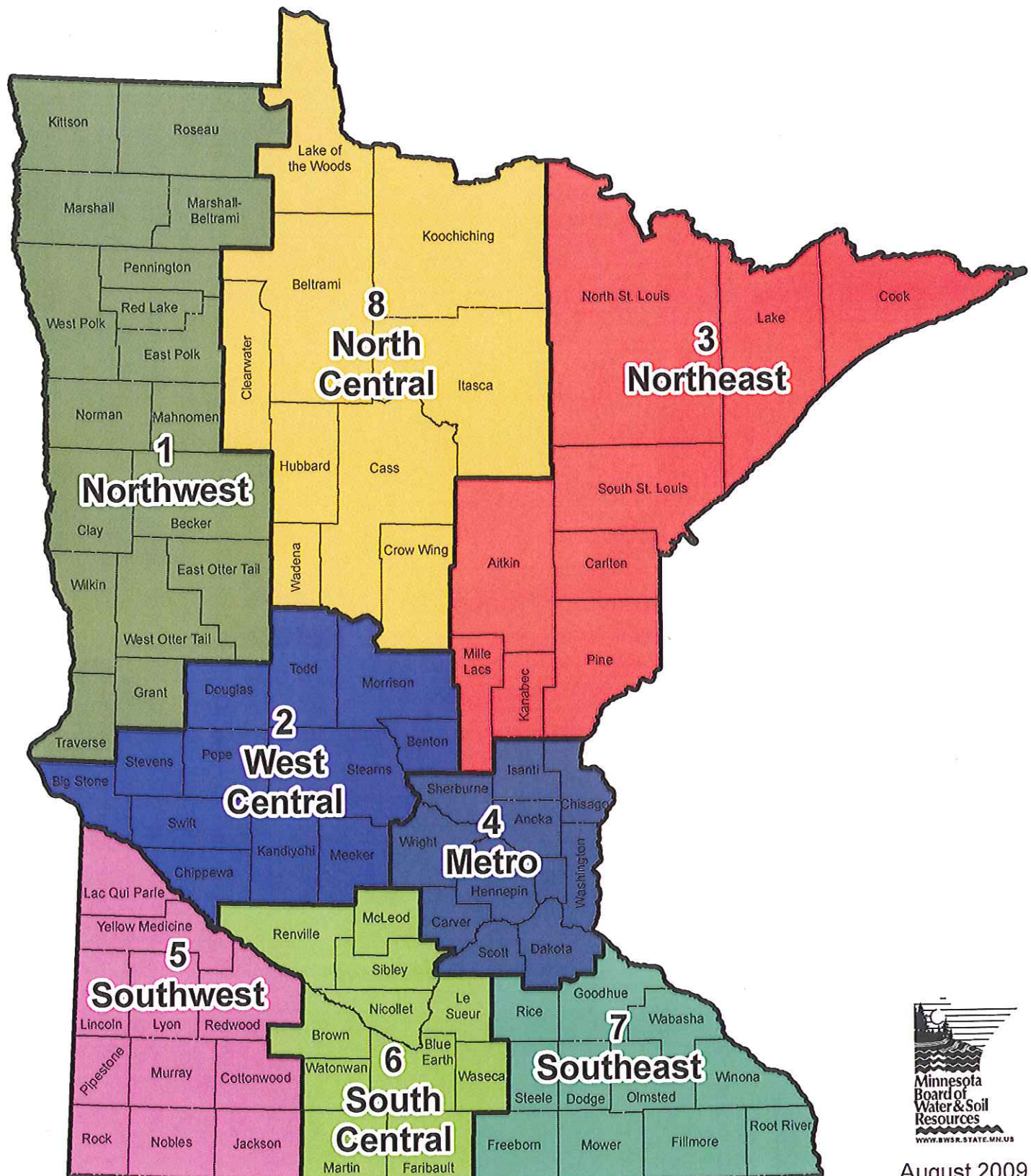
3. Board Conservationist approval.

Recommendation

The Senior Management Team requests the Grants Program & Policy Committee to approve these FY '13 allocations for the:

- Conservation Delivery Grants,
- Easement Delivery Grants,
- Non-Point Engineering Assistance Grants,
- State Cost Share Base Grants

Minnesota Association of Soil & Water Conservation Districts & SWCD Technical Service Areas



August 2009

PROPOSED FY '13 SWCD PROGRAMS and OPERATIONS GRANTS

	\$1.765 M	\$1.56 M	\$.291 M
SWCD	CONSERVATION DELIVERY	COST SHARE	EASEMENT DELIVERY
AITKIN	\$20,212	\$5,384	\$54
ANOKA	\$20,765	\$14,439	\$0
BECKER	\$19,026	\$33,857	\$697
BELTRAMI *	\$26,376	\$13,158	\$375
BENTON	\$19,224	\$14,520	\$1,233
BIG STONE	\$18,037	\$8,516	\$1,930
BLUE EARTH	\$18,868	\$22,501	\$11,582
BROWN	\$18,947	\$19,185	\$8,901
CARLTON *	\$18,670	\$10,401	\$0
CARVER	\$19,698	\$21,675	\$2,681
CASS	\$18,275	\$10,852	\$54
CHIPPEWA	\$18,947	\$14,577	\$8,901
CHISAGO	\$19,737	\$11,497	\$429
CLAY	\$19,263	\$21,409	\$3,861
CLEARWATER	\$18,750	\$9,758	\$161
COOK	\$18,196	\$13,184	\$0
COTTONWOOD	\$18,947	\$18,318	\$10,027
CROW WING	\$18,354	\$12,489	\$0
DAKOTA	\$21,240	\$28,671	\$268
DODGE	\$19,343	\$12,881	\$697
DOUGLAS	\$20,172	\$21,333	\$5,416
FARIBAULT	\$19,343	\$16,446	\$9,812
FILLMORE	\$20,133	\$31,576	\$2,145
FREEBORN	\$19,145	\$21,427	\$5,469
GOODHUE	\$20,054	\$33,612	\$3,593
GRANT	\$19,026	\$14,732	\$1,769
HENNEPIN	\$25,930	\$17,409	\$1,394
HUBBARD	\$18,157	\$10,089	\$54
ISANTI	\$20,172	\$7,864	\$322
ITASCA	\$18,828	\$9,010	\$0
JACKSON	\$18,314	\$15,300	\$5,898
KANABEC	\$18,710	\$12,489	\$375
KANDIYOHI	\$19,501	\$18,583	\$8,794
KITTSO	\$19,184	\$12,489	\$375
KOOCHICHING	\$18,472	\$13,184	\$0
LAC QUI PARLE	\$18,750	\$26,677	\$9,491
LAKE	\$18,314	\$13,184	\$0
LAKE OF THE WOODS	\$18,037	\$13,184	\$0
LE SUEUR	\$19,619	\$25,323	\$4,772
LINCOLN	\$19,896	\$20,186	\$5,469
LYON	\$19,224	\$18,383	\$7,721
MAHNOMEN	\$18,117	\$14,039	\$214
MARSHALL	\$29,596	\$12,338	\$1,072
MARTIN	\$18,908	\$23,328	\$10,938
MC LEOD	\$18,789	\$14,284	\$4,129
MEEKER	\$18,552	\$19,470	\$3,968
MILLE LACS	\$18,868	\$9,027	\$643
MORRISON	\$20,252	\$29,650	\$1,555
MOWER	\$20,805	\$14,064	\$4,504
MURRAY	\$18,235	\$14,149	\$6,274
NICOLLET	\$19,224	\$16,720	\$3,914
NOBLES	\$18,512	\$22,598	\$1,394

PROPOSED FY '13 SWCD PROGRAMS and OPERATIONS GRANTS

	\$1.765 M	\$1.56 M	\$.291 M
SWCD	CONSERVATION DELIVERY	COST SHARE	EASEMENT DELIVERY
NORMAN	\$18,986	\$12,487	\$2,574
OLMSTED	\$21,754	\$39,835	\$1,072
OTTER TAIL EAST	\$18,986	\$20,740	\$590
OTTER TAIL WEST	\$18,986	\$27,211	\$2,949
PENNINGTON	\$18,710	\$14,350	\$214
PINE	\$18,986	\$16,959	\$54
PIPESTONE	\$18,670	\$20,635	\$1,233
POLK EAST	\$18,828	\$13,381	\$161
POLK WEST	\$18,828	\$17,438	\$751
POPE	\$18,592	\$25,905	\$9,544
RAMSEY	\$19,343	\$13,212	\$0
RED LAKE	\$18,077	\$7,321	\$214
REDWOOD	\$19,343	\$17,649	\$20,805
RENVILLE	\$19,501	\$13,598	\$21,770
RICE	\$22,940	\$19,358	\$3,217
ROCK	\$19,343	\$20,700	\$1,180
ROOT RIVER	\$22,505	\$27,172	\$3,378
ROSEAU	\$18,750	\$13,682	\$54
SCOTT	\$19,935	\$23,876	\$2,842
SHERBURNE	\$21,635	\$9,741	\$0
SIBLEY	\$18,868	\$11,706	\$5,148
ST. LOUIS NORTH *	\$18,789	\$11,115	\$0
ST. LOUIS SOUTH	\$18,789	\$9,255	\$0
STEARNS	\$22,030	\$47,858	\$912
STEELE	\$20,014	\$13,792	\$2,681
STEVENS	\$19,184	\$19,901	\$4,129
SWIFT	\$18,592	\$13,072	\$9,115
TODD	\$20,054	\$21,573	\$214
TRAVERSE	\$19,145	\$6,988	\$1,394
WABASHA	\$19,619	\$20,021	\$1,341
WADENA	\$18,710	\$13,184	\$107
WASECA	\$18,986	\$13,717	\$5,737
WASHINGTON	\$20,568	\$15,256	\$107
WATONWAN	\$18,394	\$12,603	\$5,416
WILKIN	\$19,263	\$17,455	\$2,735
WINONA	\$20,963	\$15,118	\$3,968
WRIGHT	\$21,358	\$20,536	\$2,198
YELLOW MEDICINE	\$19,263	\$22,178	\$9,866
ALLOCATED TOTALS	\$1,765,000	\$1,559,999	\$290,996

*BELTRAMI, CARLTON, NORTH ST. LOUIS - PAYMENT OF ALL GRANTS WILL BE WITHHELD UNTIL 2011 REPORTING IS SUBMITTED AND APPROVED.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY '13 NATURAL RESOURCES BLOCK GRANT

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: LAND & WATER

Contact: Wayne Zellmer

Prepared by: Wayne Zellmer

Reviewed by: GRANTS PROGRAM & POLICY Committee(s)

Presented by: Wayne Zellmer

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input checked="" type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input checked="" type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Approval of proposed '13 NRBG allocations.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The 2011 Legislature has appropriated funding for the FY '13 Natural Resources Block Grant (NRBG) to provide assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA/BWSR Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee forwards this recommendation.

Board Resolution # _____

FY '13 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems; and,

WHEREAS, the Laws of Minnesota for 2011, 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 5 (LWM, WCA, DNR Shoreland), and Section 3, Subd. 2 (MPCA-SSTS, MPCA-Feedlot) appropriated FY '13 Natural Resources Block Grant funds to BWSR and MPCA; and,

WHEREAS, the Laws of Minnesota for 2011, 1st Special Session, Omnibus Legacy Bill, Article 2, Section 7 (b), authorizes the Board to use Clean Water Funds to make grants for SSTS Base Grants; and,

WHEREAS, the Grants Program & Policy Committee reviewed the proposed NRBG allocations on May 23, 2012.

NOW THEREFORE BE IT RESOLVED, the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR, and indicated on the attached spreadsheet *PROPOSED FY'13 NATURAL RESOURCES BLOCK GRANTS*; totaling:

LWM	\$1,139,156
WCA	\$1,906,472
DNR Shoreland	\$377,372
MPCA Feedlot Base	\$1,689,179
MPCA SSTS	\$1,628,926

AND, for Local Water Management, Wetland Conservation Act, and DNR Shoreland Programs, Local Governmental Units will have the flexibility of determining the amount of the total of these three BWSR Programs, to allocate to each of their programs locally.

Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: *PROPOSED FY'13 NATURAL RESOURCES BLOCK GRANTS*

H:13NRBGBR

PROPOSED FY 2013 NATURAL RESOURCES BLOCK GRANT

The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA/BWSR Subsurface Sewage Treatment Systems.

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible for any or all of the five grant program components.

FUNDING

The 2011 Legislature in their 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 5:

20.3 \$3,423,000 the first year and \$3,423,000 the
20.4 second year are for natural resources block
20.5 grants to local governments.

	\$3.423 M (General Fund)
1. Local Water Management	\$1.139 M
2. Wetland Conservation Act	\$1.906 M
3. DNR Shoreland	\$.377 M

Local Governmental Units will have the flexibility of determining the amount of the total of these three Programs, to allocate to each of their programs locally. The basis for determining match will not change.

4. MPCA/BWSR Subsurface Sewage Treatment Systems (SSTS) \$1.629 M

MPCA, General Fund - \$.129 M

The 2011 Legislature in their 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 3, Subd. 2:

4.19 \$375,000 the first year and \$375,000 the
4.20 second year are from the environmental
4.21 fund for subsurface sewage treatment system
4.22 (SSTS) administration and grants. Of this
4.23 amount, \$80,000 each year is for assistance
4.24 to counties through grants for SSTS program
4.25 administration.

MPCA will also provide an additional \$49,000 from another source.

BWSR, Clean Water Fund - \$1.5 M

The 2011 Legislature in their 1st Special Session, Omnibus Legacy Bill, Article 2, Section 7 (b)

44.13 (b) \$3,000,000 the first year and \$3,000,000
44.14 the second year are for targeted local

44.15 resource protection and enhancement grants.
44.16 The board shall give priority consideration
44.17 to projects and practices that complement,
44.18 supplement, or exceed current state standards
44.19 for protection, enhancement, and restoration
44.20 of water quality in lakes, rivers, and streams
44.21 or that protect groundwater from degradation.
44.22 Of this amount, at least \$1,500,000 each year
44.23 is for county SSTS implementation.

5. MPCA County Feedlot Program - \$1.689 M

The 2011 Legislature in their 1st Special Session, Omnibus Environment Energy and Natural Resources Finance Bill, Article 1, Section 3, Subd. 2:

3.19 \$1,959,000 the first year and \$1,959,000
3.20 the second year are for grants to delegated
3.21 counties to administer the county feedlot
3.22 program under Minnesota Statutes, section
3.23 116.0711, subdivisions 2 and 3.

SELECTED PROGRAM HIGHLIGHTS

1. Local Water Management - \$1,139,156

This component is for implementing comprehensive local water plans. A statutory local levy match or cash equivalent is required that will generate \$1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.

2. Wetland Conservation Act - \$1,906,472

This component is for the local administration of the WCA. A local 1:1 match is required. The grant amount is formula derived from a base amount of county WCA activity. This formula was approved by BWSR at their April 2003 Meeting. The formula includes the following factors:

- Number of landowner contacts resulting in mitigation or replacement
- Number of cease and desist orders & restoration orders issued
- Change in population
- Amount of wetlands on non-public lands
- Amount of poorly drained soils on non-public lands
- Amount of shoreland on non-public lands

Of this amount, SWCDs are entitled to receive at least 15% or \$5,000, whichever is greater, for performing mandated WCA activities.

3. DNR Shoreland - \$377,372

This component is for the administration of state approved Shoreland management programs. It is administered at the state level by the DNR. A local 1:1 match is required. The grant amount is derived from a base estimated amount of county Shoreland activity based on:

- Shoreline miles of lakes and rivers
- Amount of private lands
- Population

4. MPCA County Feedlot Program - \$1,689,179

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 match is required. Grant amounts are based on the grant formula that includes the following highlights:

- Grants are based on the number of feedlots with 10 or more **animal units (AU) in shoreland areas or 50 or more AUs in non-shoreland areas, and that are currently registered.**
- The base grant funding rate for 2013 is approximately \$89.05/feedlot. This rate is the same as FY '12
- With several exceptions, January 1, 2010 Registration Update Data, as recorded on eLINK, has been used as the number of feedlots eligible for funding.
- In addition to the projected grant amounts shown, counties will be eligible to earn an incentive award. The incentive is based on the amount of work performed by the county during the program year. A minimum of ten percent of the legislative appropriation is reserved for performance credit awards. These awards are based on County Feedlot Program Performance, represented as Performance Credits. Performance Credits are determined from the County Feedlot Officer and Performance Credit Report.

NOTE: Individual MPCA County Feedlot Base Grant amounts have not been determined by the Agency at this time. Determinations are anticipated by the May 23 Grants Program & Policy Committee Meeting.

5. MPCA/BWSR County Subsurface Sewage Treatment Systems Program - \$1,628,926

All counties are required to pass ordinances regulating SSTs countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of \$18,941 is determined by equal county allocations.

Recommendation

The Grants Program & Policy Committee recommends approval of the Proposed FY '13 Natural Resources Block Grant allocations as listed on the attached spreadsheet *PROPOSED FY '13 NATURAL RESOURCES BLOCK GRANTS*.

H:13NRBG

PROPOSED FY'13 NATURAL RESOURCES BLOCK GRANTS

	\$1.139 M	\$1.906 M	\$377 M	\$1.629 M	\$1.689 M
	\$3.423 M				
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	SSTS BASE GRANT	**FEEDLOT BASE GRANT
AITKIN	\$13,888	\$33,241	\$10,786	\$18,941	TBD
ANOKA	\$8,094	\$63,192	\$2,615	\$18,941	TBD
BECKER	\$13,071	\$24,238	\$10,739	\$18,941	TBD
BELTRAMI *	\$13,688	\$64,601	\$5,505	\$18,941	TBD
BENTON	\$13,271	\$31,599	\$3,286	\$18,941	TBD
BIG STONE	\$15,711	\$8,778	\$2,690	\$18,941	TBD
BLUE EARTH	\$10,023	\$18,178	\$3,243	\$18,941	TBD
BROWN	\$13,633	\$8,778	\$2,675	\$18,941	TBD
CARLTON	\$13,349	\$22,507	\$3,927	\$18,941	TBD
CARVER	\$8,094	\$31,599	\$2,615	\$18,941	TBD
CASS	\$10,502	\$44,766	\$10,699	\$18,941	TBD
CHIPPEWA	\$14,881	\$8,778	\$2,625	\$18,941	TBD
CHISAGO	\$11,243	\$27,700	\$4,943	\$18,941	TBD
CLAY	\$12,673	\$16,447	\$2,944	\$18,941	TBD
CLEARWATER	\$15,256	\$19,909	\$3,163	\$18,941	TBD
COOK	\$14,832	\$12,985	\$4,196	\$18,941	TBD
COTTONWOOD	\$14,844	\$8,778	\$2,772	\$18,941	TBD
CROW WING	\$8,094	\$38,088	\$19,128	\$18,941	TBD
DAKOTA	\$8,094	\$52,804	\$2,615	\$18,941	TBD
DODGE	\$14,484	\$16,444	\$2,675	\$18,941	TBD
DOUGLAS	\$12,077	\$21,641	\$8,544	\$18,941	TBD
FARIBAUT	\$14,550	\$8,778	\$2,735	\$18,941	TBD
FILLMORE	\$14,278	\$8,778	\$2,692	\$18,941	TBD
FREEBORN	\$13,120	\$8,778	\$3,139	\$18,941	TBD
GOODHUE	\$9,433	\$16,447	\$2,772	\$18,941	TBD
GRANT	\$15,503	\$13,850	\$3,056	\$18,941	TBD
HENNEPIN	\$8,094	\$57,133	\$0	\$18,941	TBD
HOUSTON	\$14,699	\$12,985	\$2,725	\$18,941	TBD
HUBBARD	\$13,245	\$25,103	\$8,434	\$18,941	TBD
ISANTI	\$13,251	\$25,103	\$4,004	\$18,941	TBD
ITASCA	\$10,447	\$44,148	\$10,107	\$18,941	TBD
JACKSON	\$14,717	\$8,778	\$3,011	\$18,941	TBD
KANABEC	\$15,071	\$25,103	\$4,090	\$18,941	TBD
KANDIYOHI	\$12,023	\$21,641	\$6,753	\$18,941	TBD
KITTSO	\$15,279	\$16,447	\$2,647	\$18,941	TBD
KOOCHICHING	\$15,025	\$28,913	\$2,722	\$18,941	TBD
LAC QUI PARLE	\$15,453	\$8,778	\$2,629	\$18,941	TBD
LAKE	\$14,736	\$16,447	\$4,614	\$18,941	TBD
LAKE OF THE WOODS	\$15,809	\$33,760	\$3,492	\$18,941	TBD
LE SUEUR	\$13,501	\$16,447	\$4,918	\$18,941	TBD
LINCOLN	\$15,488	\$8,778	\$2,768	\$18,941	TBD
LYON	\$13,689	\$8,778	\$2,738	\$18,941	TBD
MCLEOD	\$12,642	\$16,447	\$2,988	\$18,941	TBD
MAHNOMEN	\$15,838	\$12,985	\$3,360	\$18,941	TBD
MARSHALL	\$14,993	\$20,308	\$2,615	\$18,941	TBD
MARTIN	\$13,697	\$8,778	\$3,024	\$18,941	TBD
MEEKER	\$13,990	\$19,044	\$4,735	\$18,941	TBD
MILLE LACS	\$14,361	\$22,507	\$4,808	\$18,941	TBD
MORRISON	\$13,609	\$30,298	\$3,945	\$18,941	TBD
MOWER	\$13,047	\$12,985	\$3,264	\$18,941	TBD
MURRAY	\$15,050	\$8,778	\$3,221	\$18,941	TBD
NICOLLET	\$13,156	\$16,447	\$2,682	\$18,941	TBD
NOBLES	\$14,402	\$8,778	\$2,661	\$18,941	TBD
NORMAN	\$15,541	\$12,985	\$2,624	\$18,941	TBD
OLMSTED	\$8,094	\$25,103	\$3,149	\$18,941	TBD
OTTER TAIL	\$9,824	\$59,729	\$17,747	\$18,941	TBD
PENNINGTON	\$15,341	\$16,447	\$2,833	\$18,941	TBD
PINE	\$13,855	\$34,626	\$5,899	\$18,941	TBD
PIPESTONE	\$15,247	\$8,778	\$2,615	\$18,941	TBD
POLK	\$13,468	\$21,641	\$3,457	\$18,941	TBD
POPE	\$15,095	\$15,581	\$4,250	\$18,941	TBD
RAMSEY	\$8,094	\$16,677	\$0	\$0	TBD
RED LAKE	\$15,857	\$12,985	\$2,873	\$18,941	TBD
REDWOOD	\$14,472	\$10,387	\$2,615	\$18,941	TBD
RENVILLE	\$14,047	\$8,778	\$2,662	\$18,941	TBD
RICE	\$10,457	\$24,238	\$4,189	\$18,941	TBD
ROCK	\$15,175	\$8,778	\$2,615	\$18,941	TBD

PROPOSED FY'13 NATURAL RESOURCES BLOCK GRANTS

	\$1.139 M	\$1.906 M	\$3.377 M	\$1.629 M	\$1.689 M
	\$3.423 M				
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	SSTS BASE GRANT	**FEEDLOT BASE GRANT
ROSEAU	\$15,131	\$24,238	\$2,697	\$18,941	TBD
ST. LOUIS	\$8,094	\$75,657	\$19,936	\$18,941	TBD
SCOTT	\$8,094	\$41,551	\$2,615	\$18,941	TBD
SHERBURNE	\$8,094	\$31,599	\$4,872	\$18,941	TBD
SIBLEY	\$14,615	\$13,452	\$2,700	\$18,941	TBD
STEARNS	\$8,094	\$45,879	\$9,003	\$18,941	TBD
STEELE	\$12,460	\$12,118	\$2,867	\$18,941	TBD
STEVENS	\$15,305	\$8,778	\$2,728	\$18,941	TBD
SWIFT	\$15,051	\$12,118	\$2,744	\$18,941	TBD
TODD	\$14,676	\$21,641	\$4,933	\$18,941	TBD
TRAVERSE	\$15,585	\$8,778	\$2,804	\$18,941	TBD
WABASHA	\$14,177	\$12,118	\$3,518	\$18,941	TBD
WADENA	\$15,390	\$19,909	\$3,084	\$18,941	TBD
WASECA	\$14,271	\$12,118	\$3,006	\$18,941	TBD
WASHINGTON	\$8,094	\$41,551	\$2,615	\$18,941	TBD
WATONWAN	\$15,108	\$8,778	\$2,733	\$18,941	TBD
WILKIN	\$15,232	\$8,778	\$2,632	\$18,941	TBD
WINONA	\$11,847	\$12,118	\$2,652	\$18,941	TBD
WRIGHT	\$8,094	\$42,416	\$9,339	\$18,941	TBD
YELLOW MEDICINE	\$15,175	\$8,778	\$2,629	\$18,941	TBD
TOTALS	\$1,139,156	\$1,906,472	\$377,372	\$1,628,926	\$1,689,179

*BELTRAMI - PAYMENT OF ALL GRANTS WILL BE WITHHELD UNTIL 2011 REPORTING IS SUBMITTED AND APPROVED.

** MPCA FEEDLOT BASE GRANT ALLOCATION AMOUNTS NOT YET DETERMINED AT TIME OF BOARD AGENDA MAILING.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Authorizing the FY13 Clean Water Fund
Competitive Grants Program ☐

Meeting Date: June 27, 2011

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Grants Program and Policy Committee Committee(s)

Presented by: Dave Weirens

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

☐ None

☐ Amended Policy Requested

☒ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☒ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

The Board is requested to adopt the recommendation of the Grants Program and Policy Committee to adopt the FY2013 Clean Water Fund Competitive Grants Policy and authorize staff to finalize, distribute and promote a request for proposals for these grants.

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

BWSR successfully implemented the FY12 Clean Water Fund Competitive Grants Program with the Board awarding grants on December 14, 2011. The FY12 and the proposed FY13 grants program include the following BWSR grants funds: Clean Water Assistance, Accelerated Implementation, Conservation Drainage, Community Partners.

The Competitive Grants Program is proposed to have an application period from August 1 to September 14. The application scoring process will also be interagency as has been the case in past years. Changes to the Policy have been made to make this policy consistent with the Biennial Budget Request Policy adopted by the Board on April 25. The Grants Program and Policy Committee met on May 23 to review the draft Policy and Request for Proposals.

**FY 2013 CLEAN WATER FUND AND COMPETITIVE GRANTS PROGRAM:
POLICY AND REQUEST FOR PROPOSALS**

WHEREAS, the Clean Water Fund (CWF) is established in M.S. 114D.50; and,

WHEREAS, Clean Water Funds have been appropriated to BWSR in Laws of Minnesota 2011, 1st Special Session, Chapter 6 and Laws of Minnesota 2012, Chapter 264; and,

WHEREAS, the Minnesota Department of Agriculture is expected to contribute up to \$2.0 million of Agricultural Best Management Practices Loan Program funds; and,

WHEREAS, the Board has authority under Minn. Stat. 103B.3369 to make grants to cities, townships, counties, soil and water conservation districts, watershed districts, joint powers organizations, and other special purpose districts or authorities with jurisdiction in water and related land resources management when a proposed project or activity implements a county water plan, watershed management plan, or county groundwater plan; and

WHEREAS, BWSR implementation of appropriated CWF funds is based on the Minnesota Constitution, Article XI, Section 15 which provides that funds may be “spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation”, and that “dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute”; and,

WHEREAS, the Board has previously endorsed an inter-agency granting strategy that included the MN Department of Agriculture (MDA), the Department of Natural Resources (DNR), the Pollution Control Agency (MPCA), the Department of Health (MDH), and the BWSR with the goal of effectively coordinating water quality projects funded by the CWF and the State’s General Fund, and

WHEREAS, the CWF implementation strategy incorporates the purpose of M.S. 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and,

WHEREAS, BWSR expects to receive appropriations and is preparing to make grants in the following categories for FY2013:

- Clean Water Assistance Grants;
- Clean Water Assistance-Livestock Waste Management System Grants;
- Clean Water Assistance-Subsurface Sewage Treatment System (SSTS) Abatement Grants;
- Clean Water Accelerated Implementation Grants;
- Conservation Drainage Grants; and
- Conservation Partner Program Grants; and

WHEREAS, the FY 2012 Clean Water Assistance project proposals will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
1. <u>Project Description</u> : The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and community involvement within the project area.	20
2. <u>Anticipated Outcomes</u> : The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, groundwater or drinking water protection, hydrologic restoration, or aquatic health improvement.	35
3. <u>Project Readiness</u> : The application has a set of specific initiatives that can be implemented soon after grant award.	20
4. <u>Prioritization and Relationship to Plan</u> : The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL.	25
Total Points Available	100

WHEREAS, the FY 2012 Clean Water Assistance-Livestock Waste Management Systems project proposals will be evaluated by an interagency team consisting of staff from the MPCA and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
1. Anticipated Outcomes	45
2. Prioritization and Relationship to Plan	20
3. Located in Riparian Zone	35
Total Points Available	100

WHEREAS, the FY 2012 Clean Water Assistance-Subsurface Sewage Treatment System (SSTS) Abatement project proposals will be evaluated by an interagency team consisting of staff from the MPCA and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
1. Prioritization and Relationship to Plan	15
2. SSTS Located in a Riparian Zone	40

3. SSTS identified	45
Total Points Available	100

WHEREAS, the FY 2012 Clean Water Accelerated Implementation project proposals will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
1. Clarity of project's goals, standards addressed and projected impact on land and water management and enhanced effectiveness of future implementation projects.	40
2. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL.	25
3. Means and measures for assessing the program's impact and capacity to measure project outcomes.	20
4. Timeline for implementation.	15
Total Points Available	100

WHEREAS, the Conservation Drainage project proposals will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, University of Minnesota, USDA-Natural Resources Conservation Service, Minnesota State University-Mankato, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
1. Problem Identification & Relationship to Plan.	20
2. Consistency with Conservation Drainage Program Purposes.	30
3. Project Located on a Public Drainage System.	10
4. Project Evaluation Plan.	10
5. Outreach Plan	10
6. Overall Proposal Quality and Completeness.	20
Total Points Available	100

WHEREAS, the FY 2012 Community Partners Conservation Program project proposals will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
1. Clarity of project goals, projected impact, and involvement with community partners.	40
2. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL.	30
3. Plan for assessing the programs impact and capacity to measure project outcomes.	20
4. LGU capacity to implement the local grant program processes and protocols.	10
Total Points Available	100

WHEREAS, the Grants Program and Policy Committee reviewed Clean Water Fund and Competitive Grants Program proposals developed by staff on May 13, 2012.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

1. Authorizes staff to finalize, distribute and promote a Request For Proposals (RFP) for the FY2013 Clean Water Fund Competitive Grants Program consistent with the provisions of appropriations enacted in 2011 and 2012, Minn. Stat. 103B.3369 and this Board resolution; and,
2. Adopts the attached FY2013 Clean Water Fund Competitive Grants Policy.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: _____

Attachment: FY2013 Clean Water Fund Competitive Grants Policy



FY 2013 Clean Water Fund Competitive Grants Request for Proposal (RFP)



The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting ground water and drinking water sources from degradation. The appropriation language governing the use of these funds is in Laws of Minnesota 2011, 1st Special Session, Chapter 6 and Laws of Minnesota 2012, Chapter 264. These funds must supplement traditional sources of funding and may not be used as a substitute to fund activities or programs. Table 1 lists the Clean Water Fund (CWF) programs available to BWSR and other executive branch agencies. Final funding decisions will be dependent on the actual funds available.

Table 1: FY2013 Competitive Clean Water Grant Funding Available			
Agency Fund	FY13 Amount	Governmental Units Eligible for Funding	Required Match
BWSR Clean Water Assistance Grants	\$14,000,000 ¹	SWCDs, Watershed Districts, WMOs, Counties, Cities ² , and JPBs of these organizations	25% ³
BWSR Clean Water Accelerated Implementation Grants	\$2,000,000 ¹	SWCDs, Watershed Districts, WMOs, Counties, Cities ² , and JPBs of these organizations	25%
BWSR Conservation Drainage Grants	\$1,000,000 ¹	SWCDs, Watershed Districts, WMOs, Counties, and JPBs of these organizations	25%
BWSR Community Partners Conservation Program Grants	\$1,400,000 ¹	SWCDs, Watershed Districts, WMOs, Counties, Cities ² , and JPBs of these organizations	25%
MDA Ag BMP Loans	\$4,500,000	Any LGU may apply, but awards will be coordinated through existing contract holders.	Not required
Total	\$22,900,000		
¹ Amounts shown are estimates, actual amounts will be determined prior to the end of the application period.			
² Cities must have a state approved local water management plan. BWSR recognizes metropolitan area city water plans approved by a Watershed District or a Watershed Management Organization (WMO) as a State approved plan.			
³ Low Income SSTS Abatement Projects require a minimum 5% match.			

Table of Contents

RFP GENERAL INFORMATION	3
WHAT'S NEW FOR 2013	3
APPLICATION GUIDELINES	3
APPLICANT ELIGIBILITY	4
PROJECT PERIOD	4
PAYMENT SCHEDULE.....	4
PERMITTING	5
NATIVE VEGETATION	5
APPLICATION DEADLINE AND TIMELINE	5
INCOMPLETE APPLICATIONS:.....	5
CWF PROJECT REPORTING REQUIREMENTS.....	6
GRANTS AND PUBLIC INFORMATION	6
PREVAILING WAGE.....	6
CONFLICT OF INTEREST	7
MINIMUM SOFTWARE REQUIREMENTS	7
QUESTIONS	7
BWSR CLEAN WATER ASSISTANCE GRANTS	8
BWSR CLEAN WATER ASSISTANCE GRANTS: <i>LIVESTOCK WASTE MANAGEMENT</i>	9
BWSR CLEAN WATER ASSISTANCE GRANTS: <i>SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS) ABATEMENT</i>.....	10
BWSR CLEAN WATER ACCELERATED IMPLEMENTATION GRANTS	12
BWSR CLEAN WATER CONSERVATION DRAINAGE MANAGEMENT GRANTS	13
BWSR COMMUNITY PARTNERS CONSERVATION PROGRAM GRANTS.....	16
MINNESOTA DEPARTMENT OF AGRICULTURE AGBMP LOAN PROGRAM	18

RFP General Information

What's New for 2013

1. The deadline for submitting grant applications has changed. (pg 5)
2. The deadlines for submitting workplans and executing grant agreements have changed. (pg 5)
3. The use of Conservation Drainage funds for multipurpose drainage projects has been expanded beyond retrofitting existing systems. (pg 13)

Application Guidelines

- Proposals should demonstrate significant, measureable project outputs and outcomes that will help achieve water quality objectives. As appropriate, outputs should include scientifically credible estimates of both short-term and long term pollutant reductions expected as a result of the project, as well as other measures such as: acres of wetlands/forest, miles of riparian buffer or stream bank restored, acres treated by stormwater BMPs, acres of specific agricultural conservation practices implemented.
- Maps showing highly vulnerable drinking water supply management areas for the state can be found at <http://www.bwsr.state.mn.us/easements/wellhead/index.html>.
- Proposals must include one map showing information relevant to the application and may include one photograph.
- Proposals should demonstrate that, when appropriate, a sufficient partnership exists to implement the project.
- Proposals submitted under the Clean Water Fund must request state funds that equal or exceed \$30,000, except for Community Partners Conservation Program Grants, where the minimum request is \$5,000. Multiple projects may be combined in an application to exceed \$30,000. Applications submitted that do not meet this minimum dollar amount will not be accepted. Actual awards may be less than this minimum when applications receive partial funding.
- Applications may receive partial funding due to no or limited identification of specific project locations, initiatives that were not discussed in the application or have no connection to the central purpose of the application; and to address concerns over requests for technical assistance/administration funding or lack of coordination with projects funded by other sources.
- Proposals from applicants that were previously awarded Clean Water Funds will be considered during the review process for applications submitted in response to this RFP. Applicants that have expended less than 50% of previous award(s) at the time of this application will need to demonstrate organizational capacity to finalize current projects and complete new projects concurrently.
- BWSR CWF grants require a minimum non-state match equal to at least 25% of the amount of Clean Water Funds requested and/or received, except for Clean Water Assistance Grants: Subsurface Treatment Systems Abatement Grants, where the match is 5%. The match must be directly attributed to project accomplishments.

Applicant Eligibility

- LGUs are eligible to receive grant funds if they are working under a current (as defined in the FY2013 Clean Water Fund Competitive Grant Policy) plan that has been **state approved and locally adopted by October 1, 2012**. Partner organizations such as non-profits, watershed groups, school districts or lake associations must work in conjunction with eligible applicants.
- Any LGU eligible to receive grants may request AgBMP Loan funds; however, successful projects will be awarded the funds under existing AgBMP contracts for the jurisdiction.

Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is the control, reduction, or prevention of chemical or nutrient runoff, soil erosion, sedimentation, or other materials that affect human or aquatic system health. Eligible activities must be consistent with a watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan, that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), surface water intake plan, or well head protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan.

Eligible activities can consist of structural practices and projects, non-structural practices and measures, project support activities, and grant management and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

Project Period

The project period starts when the grant agreement is executed, meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds and cannot be used as match. All grants must be completed by December 31, 2015.

If a project receives federal funds, the period of grant agreement may be extended to equal the length of time that the federal funds are available subject to limitation. Applicants using federal funds are encouraged to contact BWSR soon after award of funds to ensure the grant agreement can be developed appropriately.

AgBMP Loans are available upon execution of the respective contract amendment and are available to the LGU in perpetuity or until rescinded in accordance with existing contracts.

Payment Schedule

Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after execution of the grant agreement provided the grant applicant is in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The second payment of 40% of the grant amount will be paid

once the grantee has provided BWSR with notification and reconciliation of expenditures of the initial payment. The last 10% will be paid after all final reporting requirements are met and the grantee has provided BWSR with reconciliation of these expenditures.

AgBMP Loan funds will be disbursed to participating lenders on a cost-incurred basis in accordance with existing contracts.

Permitting

If applicable, successful applicants will be required to provide sufficient documentation that the project expects to receive or has received all necessary federal, state and local permits and meets all water quality rules including those that apply to the utilization of an existing water body as a water quality treatment device. Applicants are encouraged to contact the appropriate regulatory agencies early in the project development process to ensure potential projects can meet all applicable regulatory requirements.

Native Vegetation

To the extent possible and practicable, applicable projects must have vegetation planted or seed sown only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the project site as possible, and protect existing native prairies from genetic contamination. See guidance at:

http://www.bwsr.state.mn.us/native_vegetation/seeding_guidelines.pdf.

Application Deadline and Timeline

No late submissions or incomplete applications will be considered for funding.

- | | |
|-----------------------------|--|
| • August 1, 2012 | Application period begins |
| • September 14, 2012 | Application deadline at 4:30 PM* |
| • December 12, 2012 | BWSR Board authorizes grant awards (proposed) |
| • January 2013 | BWSR grant agreements sent to recipients |
| • February 15, 2013 | Work plan submittal deadline |
| • March 1, 2013 | Grant execution deadline |
| • March 15, 2013 | AgBMP Loan Program amendments sent to recipients |

*The application must be received by BWSR by 4:30 PM. Applications submitted by the applicant electronically before 4:30 PM and not electronically received by BWSR until after the deadline will not be considered.

Incomplete Applications:

Applications that do not comply with all application requirements will not be considered for funding, as provided below.

- Components of the application are incomplete, missing, or exceeds narrative page length requirements;
- Any required documentation is missing; and
- The match amount does not meet grant requirements.

CWF Project Reporting Requirements

- All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the activity.
- BWSR Clean Water Funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
- All BWSR funded projects will be required to develop a work plan including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system or the system's successor. For more information go to: <http://www.bwsr.state.mn.us/outreach/eLINK/index.html>.
- Grant recipients must annually display on their website the previous calendar year's detailed information on grant accomplishments, including expenditure of grant funds and measurable outcomes according to the format specified by the BWSR.
- Grant recipients must prominently display on their Web site home page the legacy logo accompanied by the phrase "Click here for more information." When a person clicks on the legacy logo image, the Web site must direct the person to a Web page that includes both the contact information that a person may use to obtain additional information, as well as a link to the Legislative Coordinating Commission Web site.

Completed AgBMP Loan projects must be submitted in accordance with established AgBMP procedures and be included in the LGU's annual report to the MDA.

Grants and Public Information

Under Minnesota Statute 13.599, responses to an RFP are nonpublic until the application deadline is reached. At that time, the name and address of the grantee, and the amount requested becomes public. All other data is nonpublic until the negotiation of the grant agreement with the selected grantee is completed. After the application evaluation process is completed, all data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(s) is completed.

Prevailing Wage

It is the responsibility of the grant recipient or contractor to pay prevailing wages on construction projects to which state prevailing wage laws apply (Minn. Stat. 177.42 – 177.44). All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with state funds included in this RFP shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality. Additional information on prevailing wage requirements is available on the Department of Labor and Industry (DOLI) website: <http://www.dli.mn.gov/LS/PrevWage.asp>. Questions about the application of prevailing wage rates should be directed to DOLI at 651-284-5091.

Conflict of Interest

State Grant Policy 08-01, (see http://www.admin.state.mn.us/ogm_policies_and_statute.html) Conflict of Interest for State Grant-Making, also applies to BWSR grantees. Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur when:

- 1) A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties,
- 2) A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties, or
- 3) A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

Minimum Software Requirements

The applicant must use Microsoft (MS) Office 2007 or newer software in order to utilize the applications MS Excel and MS Word documents.

Questions

This RFP and the 2013 Clean Water Fund Competitive Grants Policy adopted by the BWSR provide the framework for funding and administration of the 2013 Clean Water Fund Competitive Grant Program (www.bwsr.state.mn.us/grants/apply/index.html). Questions regarding grant applications should be directed to your area Board Conservationist or Clean Water Specialist; a map of work areas and contact information is available at: www.bwsr.state.mn.us/contact/BC_areas.pdf. Questions may also be submitted by email to cwfquestions@state.mn.us. Responses will be posted on the BWSR website weekly. Questions about the AgBMP Loan Program and requesting funds through this application can be answered by calling Dwight Wilcox or David Miller at (651) 201-6618 or AgBMP.Loans@state.mn.us.

BWSR Clean Water Assistance Grants

Funds are to be used to protect, enhance and restore water quality in lakes, rivers and streams and to protect groundwater and drinking water. Activities include structural and vegetative practices to reduce runoff and retain water on the land, livestock water quality projects, Subsurface Sewage Treatment System (SSTS) abatement grants for low income individuals, and stream bank, stream channel and shoreline protection projects.

This program category includes three grant types:

- **Clean Water Assistance;**
- **Livestock Waste Management; and**
- **Subsurface Sewage Treatment System (SSTS) Abatement.**

Funding targets for SSTS Imminent Public Health Threat Abatement Grants and Livestock Waste Management Grants have been set at \$1.5 Million and \$2 Million, respectively. These are initial targets and may be raised or lowered depending on the quality and number of applications received.

BWSR Clean Water Assistance Grants: *Clean Water Assistance*

Ineligible Activities - Clean Water Assistance

Projects or practices that address the following will not be considered:

- Stormwater conveyances that collect and move runoff but do not provide water quality treatment;
- Municipal or industrial wastewater treatment or drinking water supply facilities;
- Enforcing existing state minimum standards; and
- Projects with a primary purpose of water quality monitoring or assessment.

Ranking Criteria - Clean Water Assistance

An interagency work team (BWSR, MPCA, MDA, MDH and DNR) will be reviewing and ranking all Clean Water Fund applications in order to make a funding recommendation to the BWSR.

Table 2: Clean Water Assistance Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Project Description:</u> The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and community involvement within the project area.	20
<u>Anticipated Outcomes:</u> The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, groundwater or drinking water protection, hydrologic restoration, or aquatic health improvement.	35
<u>Project Readiness:</u> The application has a set of specific initiatives that can be implemented soon after grant award.	20

Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL.	25
Total Points Available	100

BWSR Clean Water Assistance Grants: *Livestock Waste Management*

General Requirements - Livestock Waste Management

- Eligible practices are limited to best management practices listed in the MN USDA-NRCS Environmental Quality Incentive Program (EQIP) schedule (<http://efotg.sc.egov.usda.gov/references/public/MN/general.pdf>).
- Funding is limited to feedlots that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have less than 500 animal units (AUs), in accordance with MN Rule Chapter 7020.
- Pollution reduction estimates must be provided for each specific livestock management system being addressed. MINNFARM program pollution estimates and index rating are required for all livestock management practices, except for:
 - Milk house waste facilities, or
 - Other alternative treatment systems (ex. silage leachate treatment).
- All State feedlot inventory data for funded projects must be up to date in the MPCA Delta Reporting system to be eligible for funding. The feedlot registration AU number in the application must be equal or less than the registration number in Delta.

Ineligible Activities - Livestock Waste Management

Projects that address the following will not be considered:

- Provide partial compliance with standards when the project is completed;
- Buildings;
- Feed storage facilities;
- Feeding facilities and equipment;
- Manure application equipment;
- Barn cleaners and flush systems;
- Building foundation costs not associated with a manure storage facility; and
- Animal buyouts.

Ranking Criteria - Livestock Waste Management

For purposes of the 2013 Livestock Waste Management Grants, riparian areas and open lot agreement are defined below.

- **Riparian Areas:** Projects located in riparian areas will be given a higher priority for funding. Riparian is defined as:
 - 1000 feet from a lake,
 - 300 feet from a stream,
 - 300 feet from a DNR public water wetland,
 - 300 feet from a sinkhole,
 - 300 feet from open tile intake,

- Within a drinking water supply management area (DWSMA), and
 - 300 feet from a private or public ditch.
- **Open Lot Agreement:** Livestock operations that have signed an open lot agreement, have corrective actions that need to be taken to come into compliance with MN Rules Chapter 7020, and have actively pursued State and Federal funding.

Table 3: Livestock Waste Management Ranking Criteria	
Ranking Criteria	Maximum Points Possible
Anticipated Outcomes	45
Prioritization and Relationship to Plan	20
Located in Riparian Zone	35
Total Points Available	100

BWSR Clean Water Assistance Grants: *Subsurface Sewage Treatment System (SSTS) Abatement*

General Requirements – SSTS Abatement

- Projects must have a minimum non-state match of 5%.
- Eligible projects are (1) identified imminent threat to public health threat systems (ITPHs) SSTS, and (2) ITPHs and systems that fail to protect groundwater only when they are combined in a community wastewater treatment proposal that involves multiple landowners.
- Project landowners must meet low income thresholds. Applicants are strongly encouraged to use existing income guidelines from U.S. Rural Development as the basis for their definition of low income.
- Projects that are proposing to construct community cluster systems must be listed on the Minnesota Pollution Control Agency's Project Priority List (PPL) and have a Community Assessment Report (CAR) or facilities plan developed. For more information on PFAs program, go to the [MPCA's website](#).
- Priority given to projects located in Riparian Areas: Riparian is defined as:
 - 1000 feet from a lake,
 - 300 feet from a stream,
 - 300 feet from a DNR public water wetland,
 - 300 feet from a sinkhole,
 - 300 feet from open tile intake,
 - Within a DWSMA, and
 - 300 feet from a private or public ditch.

Ineligible Activities - – SSTS Abatement

Projects that address the following will not be considered:

- Community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and

- A community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.

Ranking Criteria - SSTS Abatement

Table 4: SSTS Abatement Ranking Criteria	
Ranking Criteria	Maximum Points Possible
Prioritization and Relationship to Plan	15
SSTS Located in a Riparian Zone	40
SSTS identified	45
Total Points Available	100

BWSR Clean Water Accelerated Implementation Grants

These funds are for projects and activities (such as ordinances, organizational capacity, and state of the art targeting tools and planning) that complement, supplement, or exceed current state standards for protection, enhancement, and restoration of water quality in lakes, rivers, streams and tributary Chapter 103E drainage systems or that protect groundwater from degradation.

General Requirements – Accelerated Implementation

- Projects and activities for accelerated targeting, planning, and environmental controls (i.e., special area ordinance, targeting tools) that complement, supplement, or exceed current state standards for protection, enhancement, and restoration of water quality in lakes, rivers, and streams or that protects groundwater from degradation.
- Resulting outputs need to be incorporated into the next water management or comprehensive plan amendment/revision or otherwise be incorporated into routine activities resulting in increased water quality protection and enhancement or accelerated water quality restoration.
- Information, tools and project outputs that will lead to the more effective use of future implementation funding will be prioritized. This includes inventories and technical assistance to address resource specific problems.

Ineligible Activities – Accelerated Implementation

Projects or practices that address the following will not be considered:

- Updating local water plans,
- Clean Water Partnership Phase 1 diagnostic studies or equivalent, and
- Land acquisition or easement payments.

Ranking Criteria – Accelerated Implementation

Table 5: Clean Water Accelerated Implementation Grants Ranking Criteria	
Ranking Criteria	Maximum Points Possible
Clarity of project's goals, standards addressed and projected impact on land and water management and enhanced effectiveness of future implementation projects.	40
<u>Prioritization and Relationship to Plan:</u> The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL.	25
Means and measures for assessing the program's impact and capacity to measure project outcomes.	20
Timeline for implementation.	15
Total Points Available	100

BWSR Clean Water Conservation Drainage Management Grants

The purpose of these grants is to facilitate the installation of conservation practices on drainage systems through planning and project implementation to improve water quality and local hydrologic conditions.

Requirements for Applicants and Project Components

- All applicants, or the jurisdiction where the project work is proposed, must have submitted their current annual Public Drainage Ditch Buffer Strip Report to BWSR, if applicable.
- Projects developing a multipurpose drainage management plan for a public drainage system must involve participation of the applicable MN Statutes Chapter 103E drainage authority.

Proposed Projects Must Contain the Following Components:

- Outcomes and Evaluation: Proposed projects must be conducted on a reach scale, field scale or another suitable scale such that project outcomes can be evaluated; applications must include a project evaluation plan,
- Outreach: The project must include an outreach component. Examples include: (1) hosting public meeting(s)/workshop(s) to discuss project objectives, benefits and results; (2) developing project fact sheets that are distributed to landowners/operators; and (3) hosting field day(s) to show and discuss project objectives and outcomes on-site, and
- Practice Implementation: Proposed Conservation Drainage Management Grant projects must have an on-the-ground implementation component.

Eligible Activities – Conservation Drainage Management

Proposed activities must be conducted on existing drainage systems (e.g. retrofits) or new pattern tile systems. Eligible activities include:

- Multipurpose Drainage Management Planning for public drainage systems:
 - Planning to develop subwatershed (drainage system) scale implementation plans for multipurpose drainage management on Chapter 103E drainage systems to protect and improve water quality, together with adequate agricultural drainage, equitable flood protection, peak flow and erosion reduction, and wildlife habitat improvement. The subwatershed plan(s) should consider practices such as grassed waterways, water and sediment control basins, culvert sizing (surface drainage coefficient of 1 inch per day or less), side inlets, controlled subsurface drainage, nutrient management, denitrifying bioreactors, constructed or restored wetlands, and other applicable hydrology management and water quality practices, on a subwatershed basis that reduce peak flows, nutrient transport and erosion potential.
 - Targeting of BMPs to critical areas of the landscape and encouraging use of other federal, state or local BMP implementation funds.
 - Marketing of multipurpose drainage management to landowners within the public drainage system subwatershed(s).

- NRCS Conservation Activity Plan (CAP) 130 Drainage Water Management: (including controlled subsurface drainage, denitrifying bioreactor, and nutrient management components). Plan must be developed by a Technical Service Provider (TSP) certified in NRCS Tech Reg for CAP 130 Drainage Water Management Plan.
- NRCS Practice 587 Structure for Water Control: To enable controlled subsurface drainage, including stop log structures and/or Agri Drain Water Gates structures, or equal.
- NRCS Practice 554 Drainage Water Management, Implementation/Operation: A CAP 130 is required. For areas where controlled subsurface drainage structures have been installed to manage water levels, \$7.58 per acre per year for the first three years of implementation/operation, up to a maximum of 300 acres per cooperator.
- NRCS Practice 747 Denitrifying Bioreactor: For existing or new tile drainage systems.
- NRCS Conservation Activity Plan (CAP) 104 Nutrient Management Plan: For fields where controlled subsurface drainage and/or a denitrifying bioreactor is planned. Plan must be developed by a TSP certified in NRCS Tech Reg for Practice 590 Nutrient Management.
- NRCS Practice 590 Nutrient Management: For fields where controlled subsurface drainage, denitrifying bioreactor and/or existing open tile inlet(s) are replaced by dense pattern tile. A CAP 104 is required. Nutrient management plan implementation for the first three years of implementation at \$5.44 per acre per year for CAP 104 acres without manure and \$10.78 per acre per year for CAP 104 acres with manure, up to a maximum of 300 acres per cooperator.
- Open tile inlet replacement: Replacement of existing open tile inlet(s) with water quality improvement inlet(s) (e.g. perforated riser or dense pattern tile) in accordance with NRCS Practice 606 Subsurface Drain, as applicable.
- Side inlet controls: For existing drainage ditches and/or streams to reduce erosion, provide temporary detention, and sediment settling (NRCS Practice 410 Grade Stabilization Structure, Side Inlet).
- Buffers: Limited to locations adjacent to side inlets or tile inlets,
- Other innovative conservation drainage practices: Practices that directly improve water quality and/or manage runoff hydrology to improve water quality and are feasible and practical.

Ineligible Activities – Conservation Drainage Management

Projects that request funding for the following will not be considered:

- Tile, except for dense pattern tile to replace existing open tile inlet(s),
- Ditching
- Culverts or bridges through roads, and
- Ambient water quality monitoring.

Ranking Criteria - Conservation Drainage Management

Project proposals will be reviewed and ranked by the interagency Drainage Management Team, with final selection by the Board of Water and Soil Resources.

Table 6: Conservation Drainage Management Grant Ranking Criteria	
Ranking Criteria	Maximum Points Possible
Problem Identification and Relationship to Local Plan	20
Consistency with Conservation Drainage Management Program Purposes	30
Project Located on a Public Drainage System	10
Project Evaluation Plan	10
Outreach Plan	10
Overall Proposal Quality and Completeness	20
Total Points Available	100

DRAFT

BWSR Community Partners Conservation Program Grants

These funds are to be used for community partners within a LGUs jurisdiction to implement structural and vegetative practices to reduce stormwater runoff and retain water on the land to reduce the movement of sediment, nutrients and pollutants. LGUs will be the primary applicant and provide sub-grants to community partners who are implementing practices to accomplish restoration, protection or enhancement of water quality in lakes, rivers and streams and/or protection of groundwater and drinking water.

General Requirements – Community Partners Conservation Program

- Community partners include non-profits, citizen groups, businesses, student groups, faith organizations, and neighborhood, lake, river, or homeowner associations.
- Proposals shall indicate the types of structural and vegetative practices proposed for sub-grants to community partners to reduce stormwater runoff and retain water on the land to reduce the movement of sediment, nutrients and pollutants. An estimate of outputs (# of grants anticipated) must be included in BWSR grant application
- The maximum dollar amount an LGU can apply for is \$150,000. The maximum amount of a sub-grant is \$25,000.
 - All grants require a minimum match of 25% non-state, non-federal government cash or in-kind cash value that can be directly attributed to project accomplishments.
 - A proposed LGU sub-grant program must solicit proposals for structural or vegetative management practices that reduce storm water runoff and/or proven and effective water retention practices to keep water on the land. Broad types of practices need to be identified in the BWSR application.
- The ranking criteria and selection process for the proposed sub-grant program must be developed by the LGU and approved by BWSR prior to receiving grant funds.
- The funding contract or grant agreement template drafted by local legal advisor between the LGU and Community Partner must be reviewed and approved by BWSR prior to the LGU receiving grant funds.

Ineligible Activities – Community Partners Conservation Program

Projects or practices that address the following will not be considered:

- Aquatic invasive species control (curly leaf pondweed, carp control),
- In-lake treatments (alum, iron filings, ferric chloride, barley straw, etc.),
- Educational events such as garbage clean-ups, etc., and
- Project enhancements – i.e., park benches, aesthetic shrubbery/plantings.

Ranking Criteria - Community Partners Conservation Program

Table 8: Community Partners Conservation Program Grant Ranking Criteria	
Ranking Criteria	Maximum Points Possible
Clarity of project goals, projected impact, and involvement with community partners.	40
Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL.	30
Plan for assessing the programs impact and capacity to measure project outcomes.	20
LGU capacity to implement the local grant program processes and protocols.	10
Total Points Available	100

Minnesota Department of Agriculture AgBMP Loan Program

The AgBMP Loan Program provides low interest loans to farmers, rural landowners, and agriculture supply businesses to solve water quality problems. The program encourages implementation of Best Management Practices that prevent or reduce pollution problems, such as runoff from feedlots; erosion from farm fields and shoreline; and noncompliant septic systems and wells. For more information on program specifics, go to the MDA website at: <http://www.mda.state.mn.us/agbmploans>.

General Requirements:

- AgBMP loans can only be issued to rural landowners, farmers, and farm supply businesses. Urban landowners may not be eligible for AgBMP loans. The maximum amount of an individual loan is \$100,000.
- The MDA will provide requested AgBMP Loan components for all successful grant applications, up to a maximum of \$300,000 per government unit. The amount awarded may be adjusted in coordination with prior AgBMP Loan awards.
- AgBMP Loan awards must go through one of the program's existing local governmental unit contracts. Watershed organizations, cities, townships, etc., can apply for AgBMP Loans, but the amount awarded will ultimately be added to the existing contract for the project area. The applicant must coordinate their efforts with the area's existing local AgBMP Loan program.
- AgBMP Loan awards are ONLY for implementation of proven BMPs. Research and demonstration projects are not eligible components of an AgBMP Loan request.
- AgBMP Loans are considered non state, non federal, non public MATCH.
- If an LGU is ONLY requesting AgBMP Loan funds and NO coordinating grants, then the LGU should submit their request in the usual, annual application and report that is distributed to the participating LGUs about Jan 1, 2012 and will due back to the MDA by the first Friday of Feb (2/3/2013). LGUs should NOT apply through the BWSR Competitive Grant RFP just for strictly AgBMP Loan requests.



FY 2013 Clean Water Fund Competitive Grants Policy



Purpose

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation. The purpose of this policy is to provide expectations for implementation activities conducted via Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) grants.

BWSR will use grant agreements for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties or future sanctions on the grant recipient.

1.0 Applicant Eligibility Requirements

Eligible applicants include local governments (counties, watershed districts, watershed management organizations, soil and water conservation districts, and cities) or local government joint power boards working under a current state approved and locally adopted local water management plan or soil and water conservation district (SWCD) comprehensive plan. Counties in the seven county metropolitan area are eligible if they have adopted a county groundwater plan or county comprehensive plan that has been approved by the Metropolitan Council under Minn. Stat. Chapter 473. Cities in the seven-county metropolitan area are eligible if they have a water plan that has been approved by a watershed district or a watershed management organization as provided under Minn. Stat. 103B.235. Cities, including those outside of the seven-county metropolitan area, without such plans are encouraged to work with another eligible local government if interested in receiving grant funds. Plans must be current as of October 1st, 2012 for an applicant to be eligible to apply.¹

¹ For the purposes of this policy watershed management organizations and metro watershed districts are not eligible if the management plan is more than 10 years beyond the BWSR plan approval date unless the plan states a lesser period of time; non-metro watershed districts are not eligible if the plan is more than 11 years 3 months beyond the BWSR approval date; and counties are not eligible if the management plan is more than 10 years beyond the BWSR approval date unless properly extended.

The FY 2013 Clean Water Fund Competitive Grants Request for Proposals (RPF) may identify more specific requirements or eligibility criteria when specified by statute, rule or appropriation language. To be eligible, applicants must be in compliance with all applicable federal, state, and local laws, policies, ordinances, rules, and regulations.

2.0 Match Requirements

A non-state match equal to at least 25% of the amount of Clean Water Funds requested and/or received is required, except for Clean Water Assistance Grants: Subsurface Treatment Systems Abatement Grants, where the match is 5%. Matching cash or in-kind cash value provided by a landowner, land occupier, local government or other non-state source may be used to match CWF grants.

3.0 Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is the control, reduction, or prevention of chemical or nutrient runoff, soil erosion, sedimentation, or materials that affect human or aquatic system health. Eligible activities must be consistent with a watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan, that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), surface water intake plan, or well head protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan.

Eligible activities can consist of structural practices and projects, non-structural practices and measures, project support activities, and grant management and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

3.1 Structural Practices and Projects:

3.1.1 Best Management Practices

- a. Practices must be designed and maintained for a minimum effective life of ten years.
- b. An operation and maintenance plan for the life of the practice shall be included with the design standards.
- c. An inspection schedule, procedure, and assured access to the practice site shall be included as a component of maintaining the effectiveness of the practice.

- d. The grant recipient must provide assurances that the landowner or land occupier will keep the practice in place for its intended use for the expected lifespan of the practice. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties. BWSR may allow replacement of a practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.

3.1.2 Capital Improvement Projects

- a. Projects must be designed and maintained for a minimum effective life of 25 years.
- b. An operation and maintenance plan for the life of the project shall be included with the design standards.
- c. An inspection schedule, procedure, and assured access to the project site for maintenance shall be included as a component of maintaining the effectiveness of the project.
- d. The grant recipient must provide assurances that the landowner or land occupier will keep the project in place for its intended use for the expected lifespan of the project. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit and termination or performance penalties. BWSR may allow replacement of a practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.

3.1.3 Livestock Waste Management Practices

- a. The application of conservation practice components to improve water quality associated with livestock management systems that were constructed before **October 23, 2000** are eligible for funding.
- b. Eligible practices and project components must meet all applicable local, State, and Federal standards and permitting requirements. Funded projects must be in compliance with standards when the project is complete.
- c. Eligible practices are limited to best management practices listed by the MN USDA-NRCS.
(<http://efotg.sc.egov.usda.gov/references/public/MN/2011EQIPpayschedMAR9.pdf>).
- d. Relevant technical and/or engineering expertise is required to develop, install, and inspect livestock waste management projects
- e. Funding is limited to feedlots that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have less than 500 animal units (AUs), in accordance with MN Rule Chapter 7020.

- f. BWSR reserves the right to deny, postpone or cancel funding where financial penalties related to livestock waste management violations have been imposed on the operator.
- g. Feedlot Roof Structure is an eligible practice with the following condition:
 - 1) Flat rate payment: The maximum grant for a feedlot roof structure is \$150 per registered animal unit (NRCS EQIP Rate) or \$100,000, whichever is the lesser amount. Funding is not eligible for projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.
- h. Feedlot relocation is an eligible practice, with the following conditions:
 - 1) The existing eligible feedlot must be permanently closed in accordance with the local and State requirements and, thereafter, is no longer eligible for Clean Water Funding. Closure activities at the existing feedlot include fence removal, waste storage facility closure and seeding, but funding is not authorized for removal or land application of manure from an open lot or waste storage facility.
 - 2) The relocated feedlot must be in compliance with all environmental requirements.
 - 3) Maximum grant for feedlot relocation is \$1,000 per registered animal unit, or \$100,000, whichever is the lesser amount.
 - 4) The existing and relocated livestock waste management systems sites are considered one project for grant funding.
- i. An alternatives analysis prepared by a technical provider, which documents the most practicable and feasible alternative, is required to be submitted with the grant application to BWSR for the following:
 - 1) Livestock management systems proposing the construction of roof structures under section 3.1.3(f),
 - 2) Projects proposing a feedlot relocation under section 3.1.3(g), and
 - 3) Any livestock management system that results in \$100,000 or more in State Clean Water Funds being directed to an individual livestock waste management project.

3.1.4 Subsurface Sewage Treatment Systems

- a. Only identified imminent threat to public health systems (ITPHS) are eligible for grants funds, except for community wastewater treatment systems involving multiple landowners, where systems that fail to protect groundwater are eligible when the application also includes ITPHS.
- b. All applicants must document adoption of local low income criteria and thresholds for individual landowners receiving Clean Water Funds.

- c. Proposed community wastewater treatment systems involving multiple landowners are eligible for funding, but must be listed on the MPCA's Project Priority List (PPL) and have a Community Assessment Report (CAR) or facilities plan [Minn. Rule 7077.0272] developed.
- d. In an unsewered area that is connecting into a sewer line to a municipal waste water treatment plant (WWTP), the costs associated with connecting the home to the sewer line is eligible for funding if the criteria in a. and b. above are met.

3.2 Non-Structural Practices And Measures

- 3.2.1** Non-structural practices and activities that complement, supplement, or exceed current state standards for protection, enhancement, and restoration of water quality in lakes, rivers, and streams or that protect groundwater from degradation are eligible.
- 3.2.2** Incentives may be used to encourage landowners to install or adopt land management practices that improve or protect water quality. Incentive payments and enhanced protection measures should be reasonable and justifiable, supported by grant recipient policy, consistent with prevailing local conditions, and must be accomplished using established standards. All incentives must have a minimum duration of at least 3 years with a goal of ongoing landowner adoption.

3.3 Project Support Activities

Community engagement, outreach, and other activities, which directly support or supplement the goals and outcomes expected with the implementation of items identified in 3.1 and 3.2 above.

3.4 Grant Management and Reporting

- 3.4.1** All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the project or activity.
- 3.4.2** Applicants, who have previously received a grant from BWSR, must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.

4.0 Ineligible Activities

Projects or practices that address the following will not be considered:

- a. Stormwater conveyances that collect and move runoff, but do not provide water quality treatment;
- b. Municipal wastewater treatment or drinking water supply facilities;
- c. Enforcing existing state minimum standards;
- d. Routine maintenance activities within the effective life of existing practices or projects;
- e. Activities having the primary purpose of water quality monitoring or assessment.
- f. Livestock Waste Management Systems activities:
 - 1) That provide partial compliance with standards when the project is completed;
 - 2) Buildings;
 - 3) Feed storage facilities;
 - 4) Feeding facilities and equipment;
 - 5) Manure application equipment;
 - 6) Barn cleaners and flush systems;
 - 7) Building foundation costs not associated with a manure storage facility; and
 - 8) Animal buyouts.
- g. Subsurface Sewage Treatment Systems (SSTS) activities:
 - 1) Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
 - 2) A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.

5.0 Structural Practice and Project Requirements

In order to ensure long-term public benefit of structural practices and projects, the following requirements must be met by all grant recipients.

5.1 Technical and Engineering Components

Technical and/or engineering expertise is required to develop, install, and inspect projects. Grant recipients will be required to submit documentation in their work plan outlining:

- a. Who will provide technical assistance for each of the practices or projects to be implemented, their credentials for providing this assistance, or the method for selecting appropriate technical providers; and
- b. Approved design, construction, operation, and maintenance standards for the practices or projects to be implemented.

BWSR reserves the right to review the qualifications of all persons providing technical assistance.

5.2 Practice or Project Construction and Sign-Off

Grant recipients shall verify that the practice or project was properly installed and completed according to the plans and specifications, including technically approved modifications, prior to authorization for payment.

5.3 Post Construction and Follow-Up Activities

To ensure that a practice or project is functioning properly, an operation and maintenance plan tailored to fit the site shall be developed. The operation and maintenance plan should identify all of the maintenance activities that are needed and specify how they will be accomplished. The plan shall be reviewed with the land owner or occupier before installation of the practices or projects.

The grant recipient shall assure that the operation and maintenance plan is being followed and that the practices or projects are functioning as designed by conducting periodic site inspections.

6.0 Grantee Administration of Clean Water Fund Grants

Grant Recipients have the responsibility to approve the expenditure of funds within their organization. The LGU administering the grant must approve or deny expenditure of funds and the action taken must be documented in the governing body's meeting minutes.

All grant recipient expenditure of funds providing financial assistance to landowners requires a contract with the landowner or land occupier. The contract must adequately address all the lifespan and operation and maintenance requirements of the practice or project as provided by this policy. The contract must specify enforcement provisions, up to and including repayment of funds at a rate up to 150% of the original agreement amount. BWSR recommends all contracts be reviewed by the grant recipient's legal counsel.

Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient.

7.0 BWSR Grant Reporting, Reconciliation, and Verification Requirements

BWSR staff is authorized to develop grant agreements, including requirements and processes for project outcomes reporting, closeouts, fiscal reconciliations, and grant verifications.

7.1 BWSR Grant Reconciliation and Verification Procedures

- a. BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.
- b. Elements described in the project work plan will be reviewed during grant reconciliation.
- c. Project files for CWF expenditures including landowner contact information, contracts, bills and invoices, inspection schedule, structural practice and project operation and maintenance information, design plans, and miscellaneous communication must be retained by the grant recipient pursuant to MS 138.17 and consistent with ongoing record retention schedules.
- d. In the event there is a violation of the terms of the grant agreement, BWSR will enforce the grant agreement and evaluate appropriate actions including repayment of grant funds at a rate up to 150% of the grant agreement.

For additional guidance, see the BWSR grants manual at:

<http://www.bwsr.state.mn.us/grants/manual/index.php#/Purpose%20&%20Scope/7/top>



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Targeted Drainage Water Management Grants ☐

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Statewide

Contact: Kyle Skov

Prepared by: Kyle Skov

Reviewed by: Grants Program and Policy **Committee(s)**

Presented by: _____

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input checked="" type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Adoption of Resolution

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The 2012 Legislature provided an additional \$700,000 for FY 2013 to the Board of Water and Soil Resources in Chapter 264, Section 7 (d) for the Conservation Drainage Program, with a legislative intent to be used for drainage water management in coordination with USDA Natural Resources Conservation Service (NRCS) practice standards and federal funds. The appropriation language defines a purpose for conservation practices on drainage systems that will result in water quality improvements. The appropriation language also removed a previous provision limiting use of Conservation Drainage Program funding to retrofits of existing drainage systems (i.e. funding can now be used for both existing and new drainage systems). Drainage water management (DWM) includes controlled subsurface drainage planning, control structures and implementation incentives, denitrifying bioreactors, and nutrient management planning incentives on associated acres, to protect and improve water quality. The BWSR Conservation Drainage Program, as well as the NRCS Environmental Quality Incentive Program, will not cost-share on the tile itself.

A rapid response is necessary due to the amount of pattern drain tile being installed in agricultural areas of Minnesota and the legislative intent for this additional funding. A competitive request for proposal (RFP) process would not enable cost-share funds to be available for use with tile installation in the fall of 2012. In order to meet the current need and legislative intent, a targeted grant process was developed. The recommended process identified a number of LGU participants, based on the LGU area having high tiling activity, cropland with slopes less than 2% that is suitable for controlled subsurface drainage, and proven LGU ability to implement practices in a timely and efficient manner.



Board Resolution # _____

BWSR Targeted Drainage Water Management Grants

WHEREAS, agricultural drain tile installation in Minnesota has accelerated greatly in recent years; and

WHEREAS, the USDA Natural Resources Conservation Service (NRCS) held a national Ag Water Management Summit in Bloomington, Mn in October 2011 and currently has an initiative to promote drainage water management for existing and new agricultural tile drainage systems; and

WHEREAS, drainage water management includes controlled subsurface drainage, denitrifying bioreactors, nutrient management and related practices for agricultural drainage water quantity and quality management; and

WHEREAS, the 2012 Legislature appropriated an additional \$700,000 of Clean Water Funds for FY 2013 to the Board of Water and Soil Resources in Chapter 264, Section 7 (d) for the Conservation Drainage Program, with a legislative intent to be used for drainage water management practices on drainage systems to improve water quality in coordination with NRCS practice standards and federal funds; and

WHEREAS, BWSR staff have coordinated with NRCS regarding applicable practices and practice standards, defined eligible and ineligible activities for the subject program, and defined applicable program policies consistent with other BWSR Clean Water Fund grants, as indicated in the attached Program Description; and

WHEREAS, in order to make this funding available for drainage water management practices starting in the late summer and fall of 2012, a targeted grant allocation process to selected local government units (LGUs) was developed by BWSR staff considering the amount of cropland within the LGU's jurisdiction having 0 to 2% slope and current tiling activity, LGU interest in participating in this targeted program, and LGU history of successful project implementation, as indicated in the attached Background and Grant Allocation Information; and

WHEREAS, the BWSR Grants Program and Policy Committee has reviewed the staff recommendations for the Program Description and grant allocations totaling \$700,000 and recommends BWSR approval.

NOW THEREFORE, the Board hereby approves the BWSR Targeted Drainage Water Management Grants, as defined in the attached Program Description and associated grant allocations indicated in the attached Background and Grant Allocation Information.

Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments:

- A) BWSR Targeted Drainage Water Management Grants, Program Description
- B) BWSR Targeted Drainage Water Management Grants, Background and Grant Allocation Information



FY 2013 Clean Water Fund Targeted Drainage Water Management Grants Program Description



Overview

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting ground water and drinking water sources from degradation. These funds must supplement traditional sources of funding and may not be used as a substitute to fund activities or programs. The appropriation language governing the use of these funds for FY 2013 is in Laws of Minnesota 2012, Chapter 264.

The 2012 Legislature provided an additional \$700,000 for FY 2013 to the Board of Water and Soil Resources in Chapter 264, Section 7 (d) for the Conservation Drainage Program, with a legislative intent to be used for drainage water management in coordination with the USDA Natural Resources Conservation Service practice standards and federal funds. The appropriation language defines a purpose for conservation practices on drainage systems that will result in water quality improvements. The appropriation language also removed a previous provision limiting use of Conservation Drainage Program funding to retrofits of existing drainage systems (i.e. funding can be used for both existing and new drainage systems). Drainage water management (DWM) includes controlled subsurface drainage, denitrifying bioreactors, nutrient management on associated acres, design and operation planning, and implementation incentives on existing and new tile drainage systems to improve water quality. BWSR Conservation Drainage Program and NRCS Environmental Quality Incentive Program funds will not be used for new pattern tile. A rapid response is necessary due to the amount of pattern drain tile being installed in agricultural areas of Minnesota.

Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is the control, reduction, or prevention of chemical or nutrient runoff, soil erosion, sedimentation, or materials that affect human or aquatic system health. Eligible activities must be consistent with a watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan, that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), surface water intake plan, or well head protection plan. Local governments may include projects that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government grantee and the local government that has adopted the plan.

Eligible activities can consist of structural practices and projects, non-structural practices and measures, project support activities, and grant management and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

Proposed activities may be for existing drainage systems (i.e., retrofits) or new pattern tile systems. Eligible activities may include:

- NRCS Conservation Activity Plan (CAP) 130 Drainage Water Management Plan (including controlled subsurface drainage, denitrifying bioreactor, and nutrient management components). Plan must be developed by a Technical Service Provider (TSP) certified in NRCS TechReg for CAP 130 Drainage Water Management Plan.
- NRCS Practice 587 Structure for Water Control – to enable controlled subsurface drainage, including stop log type structures and/or AgriDrain Water Gate structures or equivalent.
- NRCS Practice 554 Drainage Water Management, Implementation/Operation – A CAP 130 is required. Where controlled subsurface drainage structures have been installed, \$7.58 per acre per year for the first three (3) years of implementation/operation, up to a maximum of 300 acres per cooperator.
- NRCS Practice 747 Denitrifying Bioreactor – on existing or new tile drainage systems.
- NRCS Conservation Activity Plan (CAP) 104 Nutrient Management Plan – on fields for which controlled subsurface drainage and/or a denitrifying bioreactor is planned. Plan must be developed by a Technical Service Provider (TSP) certified in NRCS TechReg for Practice 590 Nutrient Management.
- NRCS Practice 590 Nutrient Management – on fields where controlled subsurface drainage, denitrifying bioreactor and/or existing open tile inlet(s) are replaced by dense pattern tile. A CAP 104 is required. Nutrient management plan implementation for the first three (3) years of implementation at \$5.44 per acre per year for CAP 104 acres without manure and \$10.78 per acre per year for CAP 104 acres with manure, up to a maximum of 300 acres per cooperator.
- Replacement of existing open tile inlet(s) with water quality improvement inlet(s) (e.g. perforated riser or dense pattern tile) in accordance with NRCS Practice 606 Subsurface Drain, as applicable.

Ineligible Activities

- Tile, except for dense pattern tile to replace existing open tile inlet(s),
- Ditching
- Ambient water quality monitoring.

Required Project Components and Policies –

Proposed projects must contain the following components:

- Outcomes: Projects must be conducted on a field scale or another suitable scale such that project outcomes can be evaluated and must include a project evaluation plan.
- Outreach: The project must include an outreach component. Examples include:
1) developing project fact sheets that are distributed to landowners/operators; 2) hosting public meeting(s)/workshop(s) to discuss project objectives, benefits and results;
3) hosting field day(s) to show and discuss project objectives and outcomes on-site; and
- Practice Implementation: Projects must focus on on-the-ground implementation. Projects only conducting planning are not eligible.

Timeline for FY 2013 Clean Water Fund Targeted Drainage Water Management Grants

- June 27, 2012 BWSR Board authorizes grant awards (proposed)
- June 29, 2012 Award notices sent out to grantees (proposed)
- July 13, 2012 BWSR grant agreements sent out to grantees
- August 10, 2012 Work Plan submittal deadline
- August 31, 2012 Grant execution deadline

Project Period

The project period starts when the grant agreement is “executed,” meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds, and cannot be used as match. All grants must be completed by December 31, 2015.

If a project receives federal funds, the period of grant agreement may be extended to equal the length of time that the federal funds are available subject to limitation. The BWSR must be notified that the project is receiving federal funds before executing the grant agreement.

Payment Schedule

Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after execution of the grant agreement. However, initial payments will not be released until applicants are in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The grantee will provide notification to BWSR when a minimum of 50% of the awarded grant funds have been expended. The second payment of 40% of the grant amount will be paid once the grantee has expended the first 50% of the grant and has provided BWSR with reconciliation of these expenditures. The last 10% will be paid after all final reporting requirements are met by the established reporting timelines and grantee has provided BWSR with reconciliation of these expenditures.

Permitting

If applicable, grantees will be required to provide sufficient documentation that the project expects to receive or has received all necessary federal, state and local permits and meets all water quality rules including those that apply to the utilization of an existing water body as a water quality treatment device. Grantees are encouraged to contact the appropriate regulatory agencies early in the project development process to ensure potential projects can meet all applicable regulatory requirements.

Native Vegetation

To the extent possible, applicable projects must have vegetation planted or seed sown only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the project site as possible, and protect existing native prairies from genetic contamination. See guidance at:

http://www.bwsr.state.mn.us/native_vegetation/seeding_guidelines.pdf.

CWF Project Reporting Requirements

- All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the activity.
- BWSR CW Funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
- All BWSR funded projects will be required to develop a work plan including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system. For more information on eLINK go to:
<http://www.bwsr.state.mn.us/outreach/eLINK/index.html>.
- Grant recipients must display on their website the previous calendar year's detailed information on the expenditure of grant funds and measurable outcomes as a result of the expenditure of funds according to the format specified by the BWSR, by March 15th of each year.
- Grant recipients must prominently display on their Web site home page the legacy logo accompanied by the phrase "Click here for more information." When a person clicks on the legacy logo image, the Web site must direct the person to a Web page that includes both the contact information that a person may use to obtain additional information, as well as a link to the Legislative Coordinating Commission Web site.

Grants and Public Information

Under Minnesota Statute 13.599, responses to an RFP are nonpublic until the application deadline is reached. At that time, the name and address of the grantee, and the amount requested becomes public. All other data is nonpublic until the negotiation of the grant agreement with the selected grantee is completed. After the application evaluation process is completed, all data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(s) is completed.

Prevailing Wage

It is the responsibility of the grant recipient or contractor to pay prevailing wages on construction projects to which state prevailing wage laws apply (Minn. Stat. 177.42 – 177.44). All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with state funds included in this RFP shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality. Additional information on prevailing wage requirements is available on the Department of Labor and Industry (DOLI) website: <http://www.dli.mn.gov/LS/PrevWage.asp>. Questions about the application of prevailing wage rates should be directed to DOLI at 651-284-5091. The Grant recipient is solely responsible for payment of all required prevailing wage rates.

Conflict of Interest

State Grant Policy 08-01, (see http://www.admin.state.mn.us/ogm_policies_and_statute.html) Conflict of Interest for State Grant-Making, also applies to BWSR grantees. Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur when:

- 1) A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties,
- 2) A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties, or
- 3) A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

Minimum Software Requirements

The applicant must use Microsoft (MS) Office 2007 or newer software in order to utilize the applications MS Excel and MS Word documents.

Questions

The FY 2013 Clean Water Fund Policy adopted by the BWSR (<http://www.bwsr.state.mn.us/grants/apply/index.html>) provides the framework for funding and administration of the FY 2013 Clean Water Fund Grant Programs. Questions regarding grants should be directed to your area Board Conservationist or Clean Water Specialist (<http://www.bwsr.state.mn.us/contact/index.html>). Questions regarding eligible practices can be directed to Kyle Skov, Conservation Drainage Engineer, at 507-206-2894 or kyle.skov@state.mn.us.



FY 2013 Clean Water Fund Targeted Drainage Water Management Grants Background and Grant Allocation Information



Overview

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting ground water and drinking water sources from degradation. These funds must supplement traditional sources of funding and may not be used as a substitute to fund activities or programs. The appropriation language governing the use of these funds for FY 2013 is in Laws of Minnesota 2012, Chapter 264.

The 2012 Legislature provided an additional \$700,000 for FY 2013 to the Board of Water and Soil Resources in Chapter 264, Section 7 (d) for the Conservation Drainage Program, with a legislative intent to be used for drainage water management in coordination with the USDA Natural Resources Conservation Service practice standards and federal funds. The appropriation language defines a purpose for conservation practices on drainage systems that will result in water quality improvements. The appropriation language also removed a previous provision limiting use of Conservation Drainage Program funding to retrofits of existing drainage systems (i.e. funding can be used for both existing and new drainage systems). Drainage water management (DWM) includes controlled subsurface drainage, denitrifying bioreactors, nutrient management on associated acres, design and operation planning, and implementation incentives on existing and new tile drainage systems to improve water quality. BWSR Conservation Drainage Program and NRCS Environmental Quality Incentive Program funds will not be used for new pattern tile.

A rapid response is necessary due to the amount of pattern drain tile being installed in agricultural areas of Minnesota and the legislative intent for this additional funding. A competitive request for proposal (RFP) process would not enable cost-share funds to be available for use with tile installation in the fall of 2012. In order to meet the current need and legislative intent, a targeted grant process was developed. The proposed method is to identify a number of LGUs based on the LGU area having high tiling activity, cropland with slopes less than 2% that is suitable for controlled subsurface drainage, and proven LGU ability to implement practices in a timely and efficient manner.

BWSR Clean Water Fund Grants Policies

This targeted drainage water management grants program will utilize the same BWSR policies as will be used for the FY 2013 Clean Water Fund competitive grants.

Determination of Grantees and Recommended Funding Allocation

Soil and Water Conservation Districts, Counties, Watershed Districts, Water Management Organizations and JPBs of these local government units were considered as eligible grantees.

Preference was given to organizations containing multiple LGUs. Eligibility criteria for the FY13 Clean Water Fund grants apply.

Figure 1 is a map of the state showing areas with 0-1% slopes and 1-2% slopes and in agricultural crop production.

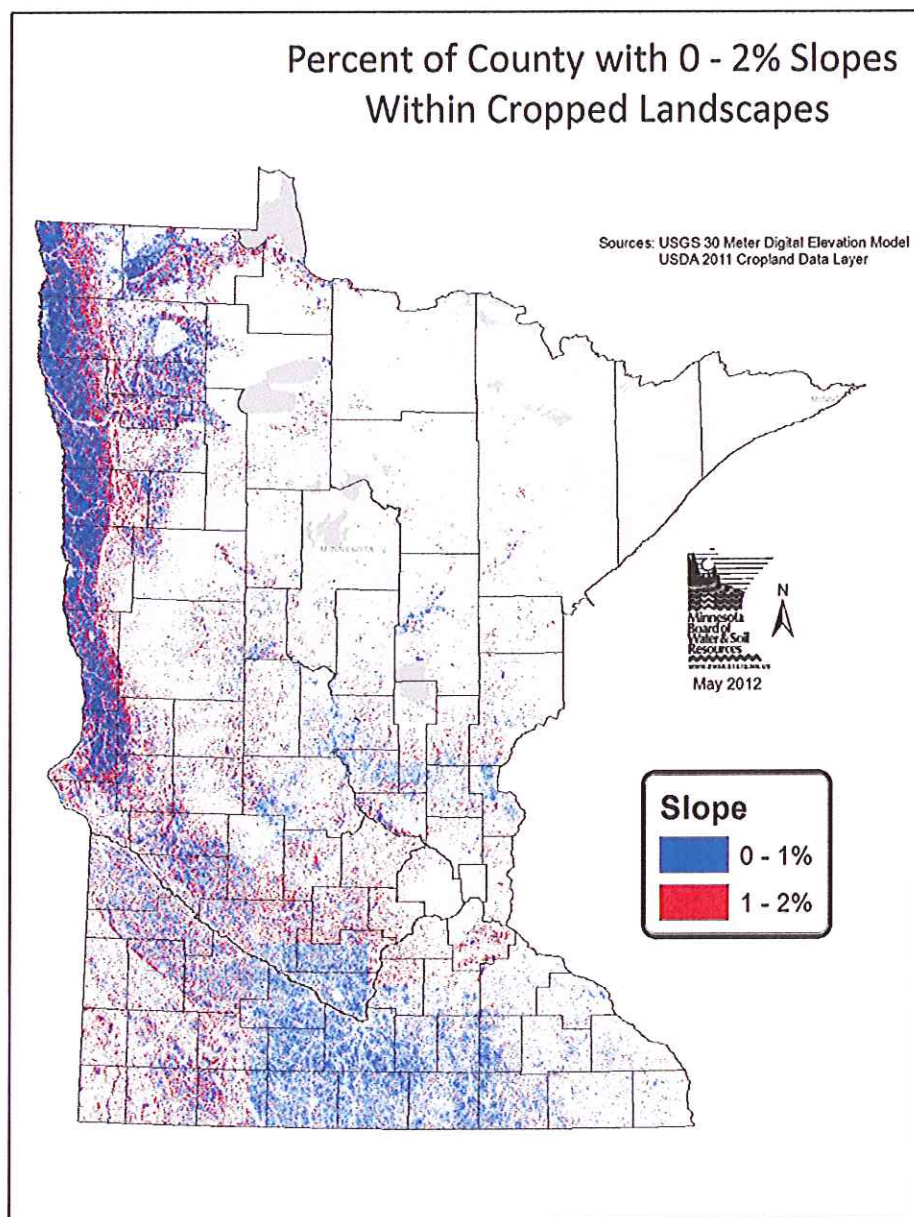


Figure 1

Further processing of the data resulted in the creation of Figure 2, showing a county by county percentage of agricultural land suitable for drainage water management.

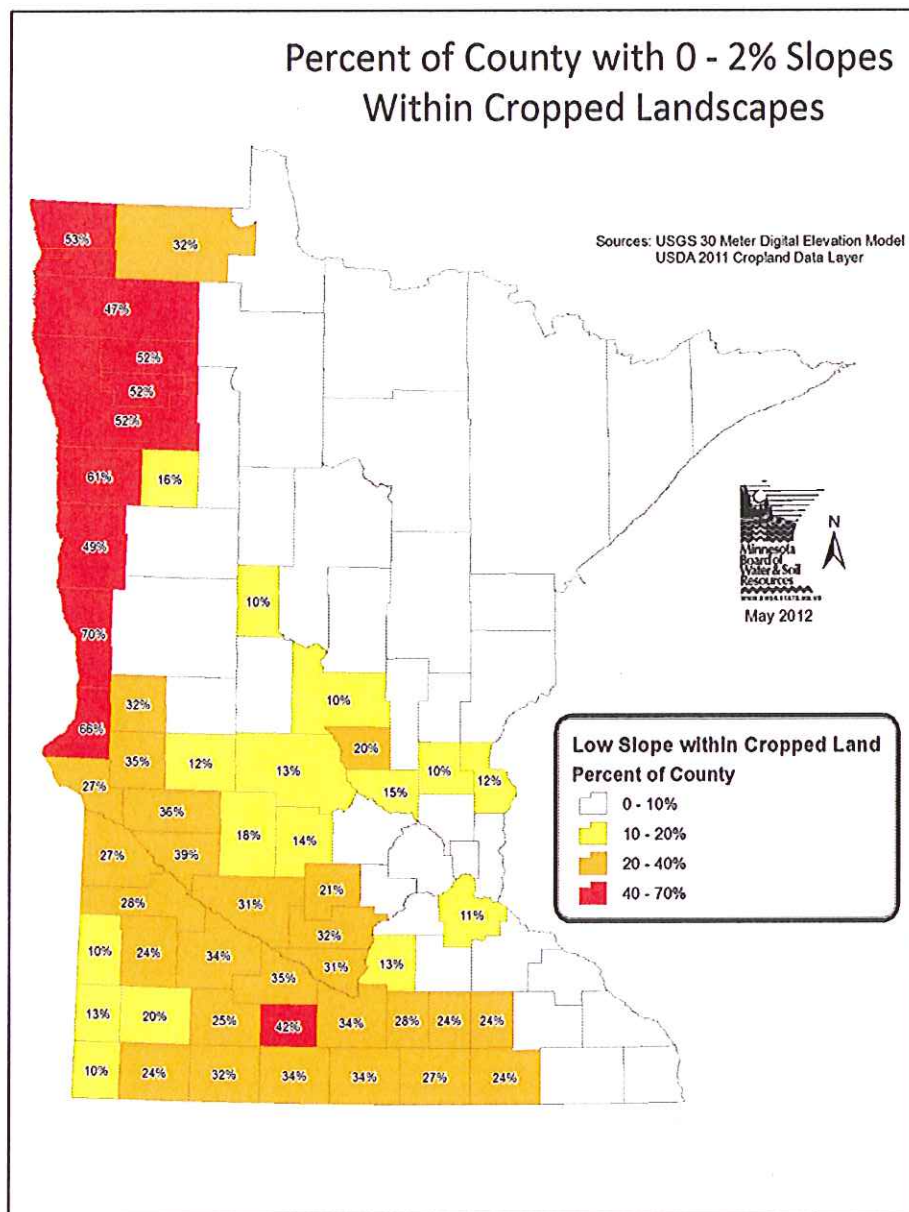


Figure 2

After establishing the likely areas of the state for DWM, Regional Supervisors, Board Conservationists and Clean Water Specialists working in the areas of the state suitable for DWM were consulted to determine which LGUs were good candidates for the targeted grants along with geographic distribution. From these discussions, a list of eight LGUs was developed. Initial telephone calls were made to the managers of the eight organizations to determine interest. One LGU being considered declined, with the other seven all very interested.

Once interest was determined, the LGUs were asked to estimate how much need they had in their area of work for DWM. The response was great, with most LGUs indicating they could use more funds than are available. BWSR staff then gauged the LGU's interest along with the amount of tiling activity, suitable land area within the LGU's boundary and proven

implementation ability to determine the funds allocation. Figure 3 was developed to show the percentage of agricultural land within each LGU's area suitable for DWM.

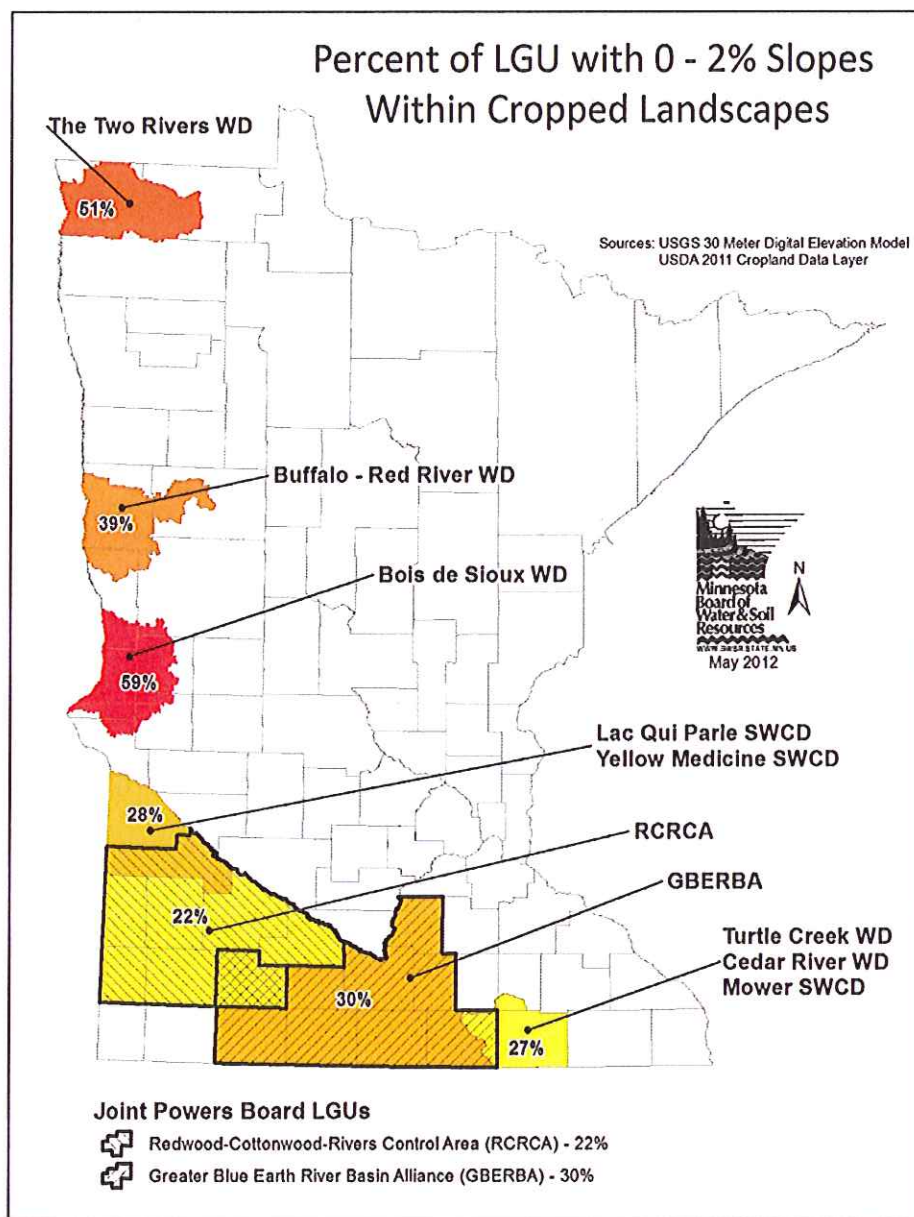


Figure 3

The following is a summary of the recommended grantee's and a recommendation for allocation of funds:

Bois de Souix Watershed District	\$170,000.00
GBERBA (Greater Blue Earth River Basin Alliance)	\$170,000.00
Mower SWCD, Cedar River Watershed District, Turtle Creek Watershed District Partnership	\$100,000.00
RCRCA (Redwood Cottonwood River Control Area)	\$100,000.00
Buffalo Red River Watershed District	\$70,000.00
Lac qui Parle SWCD, Yellow Medicine SWCD Partnership	\$60,000.00
Two Rivers Watershed District	\$30,000.00
Total	\$700,000.00



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**BWSR Native Vegetation Establishment
and Enhancement Guidelines**

Meeting Date: June 27, 2012

Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Statewide
Contact: Dan Shaw
Prepared by: Dan Shaw
Reviewed by: Grants Program and Policy Committee Committee(s)
Presented by: Dan Shaw

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|--|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input checked="" type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The BWSR Native Vegetation Establishment and Enhancement Guidelines provide guidance about diversity, seed mixes, seed/plant sources, yellow-tag seed use, cultivar/variety use, labeling, protecting native plant communities, and establishment methods for BWSR, and other programs.

The Guidelines were first developed in 2009 in response to legislative and conservation partner interest in coordinating policies to protect and promote sustainable native vegetation; to provide technical guidance to help ensure successful establishment and sustainability of projects; and to give growers and project designers consistent and mutual expectations.

Board approval is being requested because the Guidelines are referenced in Statute and appropriation language and are used by other agencies and programs. These guidelines replace previous BWSR vegetation policies, and apply to all BWSR programs.



Board Resolution # _____

BWSR Native Vegetation Establishment and Enhancement Guidelines

WHEREAS, in January 2002, the Board adopted "Policy Prohibiting Planting of Invasive and Non-Native Species on Conservation Easements (RIM, CREP, PWP) and WCA Wetland Replacement Sites"; and

WHEREAS, Board Resolution #04-39, approved in June 2004, authorized BWSR "Invasive Non-Native Species State Cost-Share Program Policy" to prevent the planting of invasive, non-native species for State Cost-Share Program conservation practices; and

WHEREAS, in 2007, M.S. Section 84.02 Definitions were added for native prairie, restored prairie, restored native prairie, ecotype region, created grassland, best management practice for native prairie restoration, and native prairie species of a local ecotype; and

WHEREAS, in 2009, M.S. Section 84.02 Definitions were amended to add definitions for "enhance", "protect" and "restore", which were subsequently repealed in 2010; and appropriation language for multiple programs stated that to the extent possible projects must use local ecotype seed and a high diversity of species, and protect existing prairies from genetic contamination; and

WHEREAS, the 2009 appropriation language and conservation partner interest prompted the development of new native vegetation guidelines to specify project vegetation diversity levels, native seed and plant source requirements, native variety/cultivar use, seed mixes, yellow-tag seed use, methods to protect natural communities, and establishment methods, resulting in completion of BWSR "Native Vegetation Establishment and Enhancement Guidelines" in December 2009; and

WHEREAS, beginning in 2010, BWSR Native Vegetation Establishment and Enhancement Guidelines were implemented by BWSR programs, and referenced as required, or adopted as operational standards, by the LCCMR, Lessard-Sams Outdoor Heritage Council, MPCA and DNR; and

WHEREAS, in 2011, M.S. Section 84.02 Definitions were repealed, with the exception of the definition for native prairie, and references to BWSR native vegetation establishment and enhancement guidelines were included in statute and appropriation language; and

WHEREAS, ongoing collaboration with partners, new information and additional experience resulted in updating of the BWSR Native Vegetation Establishment and Enhancement Guidelines, which was completed in May 2012.

NOW THEREFORE, the Board hereby approves the BWSR Native Vegetation Establishment and Enhancement Guidelines, May 2012 as the replacement for all previous BWSR policy regarding invasive and non-native species, including previous versions of the BWSR Native Vegetation Establishment and Enhancement Guidelines, and authorizes staff to periodically update these guidelines.

Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: BWSR Native Vegetation Establishment and Enhancement Guidelines, May 2012

BWSR Native Vegetation Establishment and Enhancement Guidelines, May 2012

Background Information 6-14-12

What the Guidelines Include:

- Guidance about diversity, seed mixes, seed/plant sources, yellow-tag seed use, cultivar/variety use, labeling, protecting native plant communities, establishment methods.



Why Guidelines:

- Legislative and conservation partner interest in coordinating policies to protect and promote sustainable native vegetation.
- Provide technical guidance to help ensure successful establishment and sustainability of projects
- To give growers and project designers consistent and mutual expectations.

History:

- See accompanying Board resolution for Legislative and Guideline development history

Reviewing Agencies/Organizations:

- DNR Divisions, Mn/DOT, USFWS, U of M, UND, Installers, LCCMR, NRCS, MPCA, Consultants, Watershed Districts, MDA, Non-profits, Seed Vendors, SWCDs, Science Museum of MN

New Additions in Current Guidelines:

- Guidance by Project Type (Native Prairie Reconstruction, Wetland Restoration, Ag. BMPs, Urban Raingardens and Biofiltration Areas, Shorelines, Forest / Woodlands, Native/Remnant Plant Community Restoration, Temporary Cover)
- Project bidding and specifications guidance
- Coordination with NRCS, and compatibility with Practice Standard 643 "Restoration and Management of Declining Habitats"

Why Board Approval:

- Guidelines are referenced in statute and appropriation language for Clean Water Fund, Parks and Trails Fund, Outdoor Heritage Fund and LCCMR
- They replace previous BWSR vegetation policies, and apply to all BWSR programs including BWSR Cost-Share Programs, Clean Water Fund projects, RIM conservation easements, and WCA easements



Native Vegetation Establishment and Enhancement Guidelines

May 2012

Introduction

Purpose: The purpose of this guidance is to assist resource professionals and landowners in making informed decisions about seed and plants to be used on State funded restoration and BMP projects. The guidelines assist with plant selection and source considerations for seed and plant material (herbaceous and woody) across the state of Minnesota. Goals of the guidelines are to develop consistency among state programs; to avoid the use of [invasive species](#); and to ensure that plantings function at a high level, and meet project goals. The guidelines will be updated periodically, as new research and field experience becomes available.



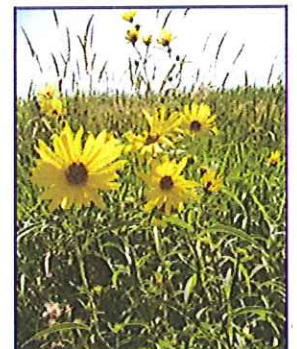
Contents: As listed below, the structure of the guidelines include an introduction summarizing their purpose, applicability and use; general considerations for selecting seed and plants; and specific guidance for a variety of project types. The appendices include a recommended sequence for finding plant materials, definitions of terms used in the guide, and a list of literature cited.

Introduction.....	Page 1
General Considerations.....	Page 2
Species diversity, Seed and plant sources, Native variety/cultivar use, Seed mixes, Yellow tag seed, Project bidding and specifications, and Protecting natural communities	
Guidance by Project Type.....	Page 8
Native Prairie Reconstruction, Wetland Restoration, Agricultural BMPs, Stormwater Basins, Raingardens and Biofiltration Areas, Shorelines, Forest/Woodlands, Native/Remnant Plant Community Restoration, Temporary Cover	
Appendix A, Recommended Steps for Obtaining Plant Materials:	Page 13
Appendix B, Definitions.....	Page 14
Appendix C, Literature Cited.....	Page 15

Applicability: These guidelines apply to all BWSR programs that have vegetation restoration components, as well as other state programs that have adopted the guidelines. These guidelines replace BWSR's Invasive Non-Native Species Policy (Sept. 8, 2004).

After becoming familiar with the guidelines, local resource staff with expertise about native seed and plants should be better informed to make decisions about appropriate vegetation for projects. Specific questions can be directed to the BWSR Vegetation Specialist, or others with similar knowledge.

Contact Information: Dan Shaw, BWSR Vegetation Specialist/Landscape Ecologist, Phone: 651-296-0644, e-mail: dan.shaw@state.mn.us

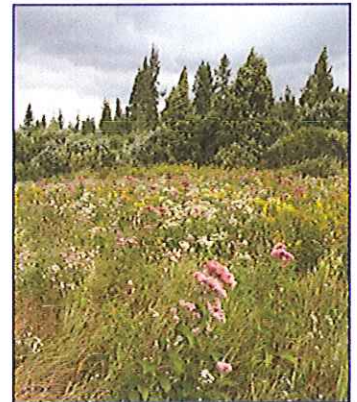


General Considerations

Species Diversity

In most cases, high species diversity is recommended for projects to increase ecological function. Many studies (Knops et al 1999, Tilman, 1997, 1999, Biondini 2007, Piper 1996) have shown benefits from having high diversity, including resistance to invasive species, rapid establishment, improved plant community structure, increased biomass, decreased spread of fungal diseases, and increased richness and structure of insect communities.

There are many considerations when determining target diversity levels for a project, including target plant communities, site conditions, functional goals, and budget. As a general rule, natural re-generation, including establishment from the seedbank should be maximized at restoration sites to promote local plant establishment, and contribute to diversity levels.



There are certain situations (particularly in urban areas) where projects may be planted in phases with lower diversity planted initially to aid weed control and more diversity added in subsequent years. There have been many efforts in Minnesota to increase diversity levels in existing projects. BWSR has developed inter-seeding guidelines to provide information about techniques that can be used to increase diversity levels (www.bwsr.state.mn.us/native_vegetation).

The following table provides minimum recommended native diversity levels for a range of project conditions and functional goals. Target diversity levels for a particular project also depend on natural re-generation potential of a site, and the type of plant community being restored. It is important that species abundance is also considered along with diversity, to ensure that sufficient cover of individual species is present to meet vegetation goals.

		Minimum Recommended Number of Species					
Current Site Conditions	Natural Areas with High Species Diversity	15	20	30	30	30	40
	Some Intact Ecological Characteristics	10	20	25	25	25	35
	Agricultural Field	10	15	15	20	20	25
	Disturbed Site (Urban Soils, Compaction etc.)	5	10	15	20	20	25
	Disturbed Site with High Invasive Species Risk	5	5	15	20	20	20
		Soil Stabilization	Water Quality	Grassland Bird Nesting	Habitat for Multiple Wildlife Groups	Native Plant Community Restoration (marsh and sedge meadow)	Native Plant Community Restoration (prairie, savanna, forest)
		Project Function/Goals					

Seed and Plant Source

There has been a transition in Minnesota over the last few decades from the use of non-native species for conservation projects to “native” species. Much of the discussion about appropriate seed and plant sources is now focused on how close is close enough for native plants. The following discussion is intended to give resource professionals an overview of source considerations for native plants.



Methods and distances of seed and pollen dispersal vary significantly among species. For example, seed of some wetland species may be distributed widely by waterfowl or flowing water, while seed from some forest and prairie species that is spread by insects or falling seed may be dispersed relatively short distances. Available research (Appendix C) suggests that some species that have seed (or pollen) that is not dispersed widely by wind, water, animals or other factors could be negatively impacted if seed of that species is introduced from far distances (Keller et al. 2000, Edmands & Timmerman 2003, Hufford & Mazer 2003, Heiser & Shaw 2006). Unfortunately, there is information available for only a small percent of species used in restoration, so more research is needed on this topic.

The following are some **primary concerns regarding origin distance** for seed and plants, they include:

- 1) Whether plants will produce viable seed, particularly if they are brought too far north
- 2) Whether populations adapted to local site conditions will be affected by the introduction of new genes or genotypes, causing local populations to be “swamped” by non local sources that are not locally adapted, decreasing the long-term fitness of the population.

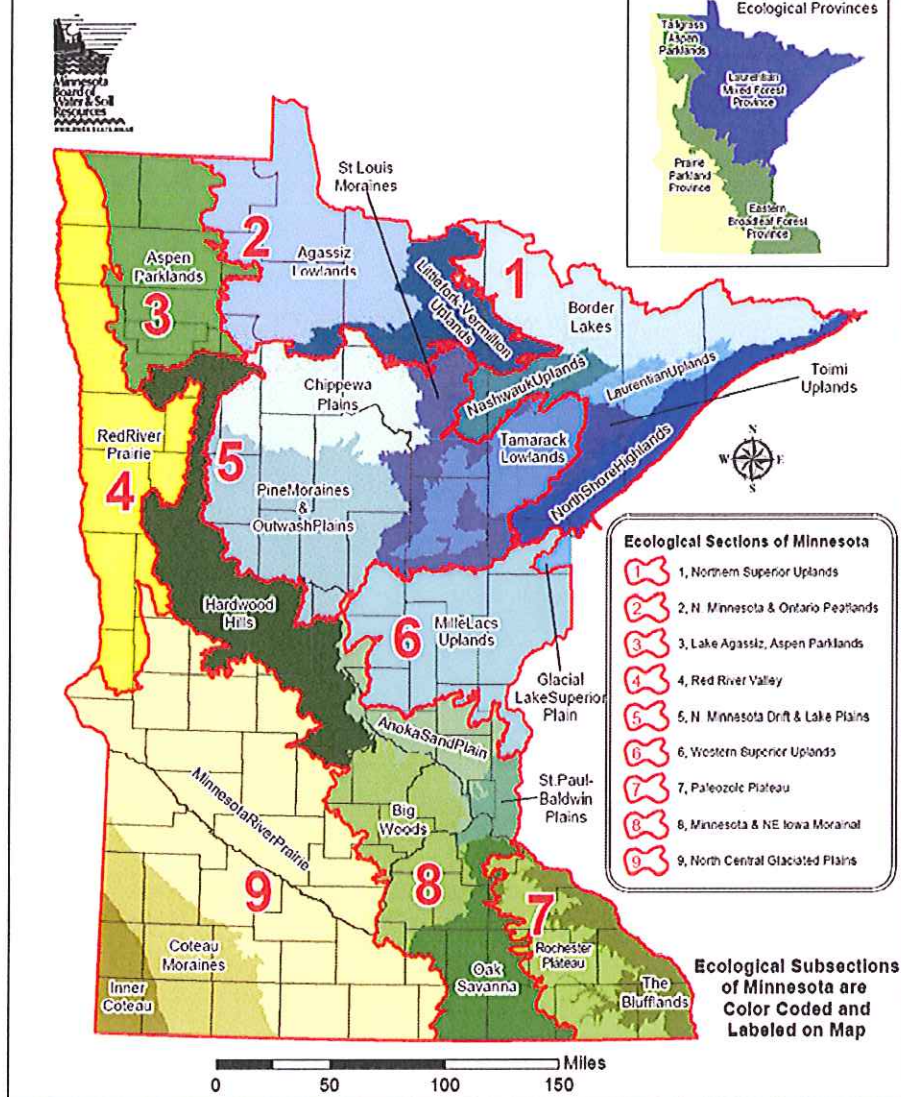
There are also cases where isolated populations of species can benefit from the introduction of new genetic material (such as populations with inbreeding depression). This is most often a concern for small, isolated remnant plant communities. Unfortunately, we still need more information about what species used in restoration are most at risk from inbreeding depression. If this is a concern for a species, it is most common that seed is introduced from populations that are from within the same ecological subsection to improve the plants vigor, and to act as genetic stepping stones to link the isolated population to a wider genetic diversity.

As a general rule, it is recommended that seed and plants be selected that match site conditions (soils, hydrology, precipitation, elevation, drainage, aspect, sun/shade and climate) and to have original harvest locations (original remnant populations) from as close to the project site as possible to protect local ecotypes from genetic contamination. It may also be beneficial to collect seed from multiple sites to promote genetic variation. The map and selection sequence on the following page is recommended when obtaining seed for restoring native plant communities. The first step in the sequence recommends looking for seed in areas with similar site conditions, and from areas located as close to the project site as possible (including native seedbank and site collected seed); followed by seeking seed from Ecological Subsections (areas of similar ecological condition); then by looking in Ecological Sections (including extensions of Minnesota ecological sections into adjoining states); followed by seeking seed within increasing distances from the project site, with 175 miles as the maximum recommended distance (including seed and plants from an adjoining state or province). It is important to work with local resource staff and seed/plant vendors through the process of seed and plant selection, and seek outside advice when needed.



If a project encounters seed or plant availability issues, potential solutions are to use species substitutions or to change the project schedule/sequence to accommodate the availability of appropriate seed or plants.

Minnesota Ecological Sections and Subsections



Note: Map will be updated as MnDNR maps are revised

Recommended sequence for obtaining seed/plants:

- A) Areas with similar site conditions and located as close to the project site as possible (including seedbank and site collected seed)
- B) Ecological Sub-sections
- C) Ecological Sections
- D) Working outward from the site with 175 miles as the recommended maximum range.



Native Variety Use

As stated under "Seed and Plant Source", the first preference is typically for seed and plants that come from similar site conditions, and as close to the project site as possible. Named germplasms/varieties (also called "ecovars") are plants that have multiple harvest locations of varying geographic range, and have been tested for performance across hardiness zones. Examples of these varieties include Red River Germplasm Prairie Cordgrass, Itasca Little Bluestem, and Bad River Blue Grama. These varieties have not been selected for specific traits. They may be appropriate for projects if they meet the origin requirements (based on the recommended sequence). Information about NRCS varieties can be found at the following website: (http://plant-materials.nrcs.usda.gov/ndpmc/pubs/publications_available.pdf).

BMP projects such as rain gardens, biofiltration areas, and filter strips may have unique functional needs where a variety of a native species may be appropriate. Decisions about the use of native varieties can be made by local staff when the variety will increase the function of a BMP project, and will not cause ecological harm due to their landscape setting, or lack of dispersal mechanisms. An example may be an urban rain garden where a cultivar may increase ecological function or have an aesthetic value that will increase public perception of the project; and the project is not near or connected to a native plant community.

Seed Mixes

Seed harvested from local remnant populations is often the most desirable source. If seed from remnant populations, or plants grown from the local seed is not available, or if locally harvested seed needs to be supplemented with additional species, state seed mixes have been developed for many project types and are available at the following website: (www.bwsr.state.mn.us/native_vegetation). Specific mixes have been developed for wetland mitigation, conservation and BMP plantings. The mixes contain combinations of early and later successional species, warm and cool season grasses, forbs, sedges and rushes to meet the needs of specific projects/programs. Substitutions/site specific changes or site specific mixes that follow similar design criteria are acceptable for projects if they meet the intended goals of a project/program and are approved by local resource staff. Additional species, such as tree and shrub seed can also be added to mixes.

A guide to developing site specific seed mixes has also been developed for Minnesota and is available at: <http://www.lrrb.org/PDF/201020.pdf>. A focus of the guide is on developing mixes that are appropriate for site conditions and incorporating plant guilds (warm season grasses, cool-season grasses, legumes, asters, etc.) that are important for weed competition and ecological function.

Summary of State Seed Mixes		
Seed Mixes	Name/Description	Mixes Replaced by New Mixes
Cover Crop		
21-111	Oats Cover Crop	MNDOT110, BWSR UT1
21-112	Winter Wheat Cover Crop	MNDOT 100
21-113	Soil Building Cover Crop	MNDOT 130
Mid-term Stabilization Native		
32-241	Native Construction	BWSR U12, BWSR U11
Stormwater Facilities		
33-261	Stormwater South and West	MNDOT 310, MNDOT 328
33-262	Dry Swale/Pond	BWSR W4
33-361	Stormwater Northeast	BWSR W7
Wetland		
34-171	Wetland Rehabilitation	BWSR WT3
34-181	Emergent Wetland	BWSR W1
34-261	Riparian South and West	BWSR R1
34-262	Wet Prairie	BWSR W3, MNDOT 325
34-271	Wet Meadow South & West	BWSR W2
34-361	Riparian Northeast	BWSR R1
34-371	Wet Meadow Northeast	BWSR W2N
Native Grassland		
35-221	Dry Prairie General	MNDOT 330
35-241	Mesic Prairie General	MNDOT 350
35-421	Dry Prairie Northeast	BWSSR U2
35-441	Mesic Prairie Northwest	BWSR U1
35-521	Dry Prairie Southwest	BWSR U4
35-541	Mesic Prairie Southeast	BWSR U6
35-621	Dry Prairie Southeast	BWSR U6
35-641	Mesic Prairie Southeast	BWSR U5
Woodland		
36-211	Woodland Edge South & West	BWSR U7,
36-311	Woodland Edge Northeast	BWSr U13, BWSr U14
36-411	Woodland Edge Northwest	
36-711	Woodland Edge Central	

Yellow Tag Seed

Yellow tag seed has a verifiable source that is certified by the Minnesota Crop Improvement Association (MCIA). Yellow tag seed should be used over non-source identified seed when it is available. See the following website for a survey of yellow tag seed availability: (www.mncia.org/). Flexibility regarding the use of yellow tag seed can be granted by local staff when seed from local remnant communities (generation 0 seed) will be used for a project, or the available yellow tag seed is not of a local source. Yellow tag seed may not be available for tree and shrub species.



Project Bidding and Specifications

In most cases, local and State staff are able to select bids on a “best value” basis rather than automatically selecting the lowest bid. Using a “best value” process is recommended when comparing seed and plant bids. Using cost as the only criteria for selecting bids often creates an uneven playing field for seed vendors that are working to supply the most appropriate seed sources for a project. A “Best Value” calculator has been developed to assist local resource staff in comparing bids for seed, to consider both cost and seed/plant source and is available at the following website: http://www.bwsr.state.mn.us/native_vegetation/.

When conducting bidding for plant materials it is important to state the specific requirements for the individual project, so that all seed and plant vendors are bidding from the same specifications. The following are example specifications to include in a bid package (or be adapted as needed for a project).

Note: The following specifications are included in this bid package to help ensure the quality and success of the restoration or BMP project, and to protect the integrity of local plant communities.

- Substitution of species in the specified seed mixes/species lists must be approved by the project manager.
- Yellow tag seed must be used if it is available, unless otherwise directed by the project manager.
- All seed that is supplied for projects must be labeled according to the requirements of the Minnesota Seed Law, section 21.82, including limits on noxious weeds.
- The origin of seed is required to be listed on the seed tag for state programs for all species in a mix to provide verification of original (generation 0) seed source. The smallest known geographic area (township, county, ecotype region etc.) shall be listed.
 - Information pertaining to pure seed, germination, and hard (dormant) seed of individual components in a mix is required on seed tags.
- Seed must be cleaned to an extent sufficient to allow its passage through appropriate seeding equipment.
- For wild harvest mixes, “germination”, “hard seed” and “Pure Live Seed” information is required on seed tags for the number of species that are required through a program or project diversity standard. When listing purity for wild harvest mixes, undetermined wild harvest seed should be listed as “other crop seed” and there should be categories for “inert material” and “weed seeds”. Unless otherwise requested, small, large, and cover crop seeds should be packaged separately.
- The following sequence defines the preferred seed source for the project.
 - Areas with similar site conditions and located as close to the project site as possible
 - Ecological Sub-sections
 - Ecological Sections
 - Maximum distance of 175 miles of project

When using these specifications for bidding it is also recommended to include a map of DNR Ecoregions and Subsections http://www.bwsr.state.mn.us/native_vegetation/. It is also recommended to include a map that shows a radius of 175 miles from the project site.

Protecting Natural Communities

Intact native plant communities such as remnant prairies, savanna and calcareous fens must be protected from non-local sources of seed. Experienced resource professionals should be involved in seed collection and management planning when working in, or near, remnant communities. Varieties/cultivars (selected germplasms) of native species cannot be used adjacent to these areas (within a one-quarter mile buffer) to limit genetic influences. Seed must come from local sources when planting buffers adjacent to medium and high quality remnant communities. Whenever possible, seed should be collected directly from local remnants (generation 0) or from the first generation of production (generation 1), or from the ecological subsection when a further distance is needed (such as when species are being re-introduced). The DNR County Biological Survey Program can provide more information about remnant communities in the state. Data about mapped remnant prairie communities can be found at: (http://deli.dnr.state.mn.us/data_search.html).



Guidance by Project Type

The following subsections of the guide provide recommendations for selecting seed and plants for specific project types including: Native Prairie Reconstruction, Wetland Restoration; Agricultural BMPs; Stormwater Basins; Urban Raingardens, and Biofiltration Areas; Shorelines; Forests/Woodlands; Native Plant Community Restoration and Temporary Cover.

Topics covered for each project type include: General Considerations, Achieving High Function, Diversity, Source Recommendations, and Information Sources.

Two BWSR publications that relate to all project types include the BWSR “What’s Working” Web Page

<http://www.bwsr.state.mn.us/grants/WhatsWorking.html>; this site includes practitioner information about restoration, and BMP techniques that have proven successful. Also on the BWSR website is a document titled “Summary of Functional Benefits of Native Plants in Designed and Natural Landscapes”

http://www.bwsr.state.mn.us/native_vegetation/Plant_Function_Resources.pdf. This resource provides a summary of research papers and other information about specific functions provided by native species.

Native Prairie Reconstruction

General Considerations - A variety of state programs focus on the reconstruction of native prairie communities. Reconstruction refers to efforts to establish a native plant community in a disturbed site such as an agricultural field. Program goals for native prairie reconstruction can vary widely from establishing perennial species to stabilize soil, and provide cover for game birds to establishing high diversity plantings to provide wildlife habitat for a variety of species.



Achieving High Function - Deep rooted prairie grasses and forbs are often a focus of native prairie reconstruction projects for soil holding, water filtering and infiltration, and year round wildlife cover. Species from multiple plant guilds (warm season grasses, cool-season grasses, legumes, asters, and other forbs) are selected to ensure that complete plant communities are established, and benefits are provided to multiple species.

Diversity - Lower diversity (3-10 species) mixes are sometimes used for soil stabilization and wildlife cover. Mixes of 40-60 species may be used when re-establishing communities to a historic composition. The NRCS 643 practice standard “Restoration and Management of Declining Habitats” (www.bwsr.state.mn.us/grantscostshare/native_buffer.html) provides specific seed mix and use specifications for RIM/WRP projects, as custom mixes are often developed for this program.

Source Recommendations - The source sequence outlined in this guide is recommended for native prairie reconstruction projects to ensure long-term sustainability of projects and to protect remnant prairie communities. The NRCS 643 practice standard has been updated to correspond to these guidelines and can be used along with these guidelines to set specifications and standards for RIM/WRP projects. Ecovars (varieties) that have not been selected for certain traits and meet the source requirements of the program may be used for conservation programs focused on grassland establishment; However, native cultivars and varieties should not be used within 1/4 mile of remnant communities.

Information Sources - NRCS practice standard 643 www.bwsr.state.mn.us/grantscostshare/native-buffer.html
Going Native, A Prairie Restoration Guide for Minnesota Landowners www.dnr.state.mn.us/eco/pubs_restoration.html
Minnesota Wetland Restoration Guide www.bwsr.state.mn.us/publications/restoration_guide.html

Wetland Restoration

General Considerations - Individual conservation and mitigation programs provide guidance for goals related to native vegetation establishment in wetlands. Invasive species control, particularly reed canary grass is often a concern for wetland projects and need sufficient control to allow native vegetation to thrive. Native seedbank plays an important role in the establishment of wetland vegetation. A wide variety of wetland species are also becoming commercially available for seeding wet meadows and shallow marshes.



Achieving High Function - Wetland grasses, sedges, rushes and forbs all play important roles in providing habitat for a wide range of wildlife species. Some research has shown that higher diversity levels can also aid in water quality functions such as denitrification. Ensuring sufficient control of invasive species will aid native species establishment and ensure long-term sustainability of ecological functions.

Diversity - Native seedbank may supplement wetland restoration projects, but seedbanks are sometimes unpredictable, and not all species do well from seedbank. Most wet meadow seed mixes contain around 20-30 species. Shallow marsh communities may be seeded with mixes of 10-20 species; it is also common to use containerized plants when establishing emergent species. Specific conservation and mitigation programs will define diversity goals. In most cases, wetland banking and mitigation programs use "State" seed mixes, while conservation programs use custom designed mixes.

Source Recommendations - Most wetland species common to prairie potholes and river systems likely had a wider dispersal through waterfowl and water flow than many prairie species. As a result, a wider source distance may be appropriate for some species. Calcareous fens are a rare plant community type in Minnesota, only very local sources should be used in and around calcareous fens.

Information Sources - Minnesota Wetland Restoration Guide www.bwsr.state.mn.us/publications/restoration_guide.html

Agricultural BMPs

General Considerations - There are a wide variety of agricultural BMPs designed to stabilize soils and promote water quality, including grass waterways, filter strips and vegetated buffers. Primary goals of these projects are to stabilize soil, and to filter and infiltrate stormwater. In some cases, they may also provide wildlife cover and food sources.



Achieving High Function - Deep rooted prairie grass are often a major component of urban BMP plantings, as they have many stems, stand upright in flowing water, and their root systems help increase organic content in soil, prevent erosion and develop root channels that increase infiltration rates.

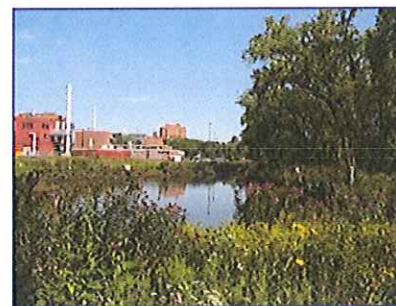
Diversity - Agricultural BMPs sometimes have relatively low diversity levels (1-8) species. Forbs may not be a focus of planting if herbicide drift is a concern. Pollinators that are attracted to forbs may also be negatively impacted when overspray occurs.

Source Recommendations - Cultivars and varieties of native species should not be used if the agricultural BMP is next to a remnant prairie (within 1/4 mile).

Information Sources - NRCS Field Office Technical Guide:
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/technical/fotg>

Stormwater Basins

General Considerations - Stormwater basins are often areas of high disturbance due to fluctuating water levels, pollutants and sedimentation. Plants are often needed that can handle these conditions such as floodplain forest species. More water tolerant species are commonly planted in the base of detention basins, while dry prairie, mesic prairie or woodland species are typically planted on side slope. Stormwater basins are prone to invasion of weed species, so routine weed control is often needed.



Achieving High Function - A key to achieving high function in stormwater ponds involves creating suitable conditions for species as they establish; and planting species that can thrive in the site conditions - as plants that are healthy will aid water infiltration, filtering, toxin remediation, and evapotranspiration.

Diversity - Medium diversity levels are often used for stormwater basin side slope (10-30 species). A combination of native grasses and forbs on side slopes will help provide competition from weed species. Lower diversity is often used in the base of stormwater basins, as less species are adapted to the hydrology conditions associated with these areas.

Source Recommendations - Stormwater basins are typically connected to downstream wetlands and other waterbodies, so species should not be used that may negatively influence downstream resources. It is also important that invasive species be controlled in stormwater basins to avoid downstream impacts.

Information Sources - Plants for Stormwater Design www.pca.state.mn.us/publications/manuals/stormwaterplants.html

Raingardens and Biofiltration Areas

General Considerations - Urban rain gardens and biofiltration areas are typically small in size and are in front yards or other visible locations where aesthetics is a consideration. Soils consisting of sand and compost are often used in raingardens and biofiltration areas to aid water infiltration; as a result, mesic prairie or woodland species are most adapted to the site conditions.



Achieving High Function - Deep rooted prairie grasses and flowers have been shown to increase infiltration rates in these systems over time, and should be a focus for projects. It is often beneficial to create a matrix of prairie grasses and then add desired forbs. Some plantings can also include woody plants, as they have extensive root systems can have higher rates of evapotranspiration and may require less maintenance.

Diversity - Often low to medium diversity levels (5-30 species) are often used due to a focus on aesthetics and water treatment. As long as the intended functions are being accomplished, diversity levels can be adjusted as needed. Species are sometimes grouped together in these plantings to aid weed identification by maintenance crews.

Source Recommendations - The source sequence outlined in these guidelines should be used for these systems, though additional native cultivars may be used in raingardens and biofiltration areas where aesthetics are a major consideration. Cultivars/varieties of native species should not be used if the project is connected to or directly drains into a wetland or other natural system.

Information Sources - Plants for Stormwater Design www.pca.state.mn.us/publications/manuals/stormwaterplants.html, Plants for Stormwater Design Volume II

Shorelines

General Considerations - Shoreline projects include lakeshores, ponds and streambanks. These are typically areas of high wildlife use and can play an important role for water quality improvement and slope stability.

Achieving High Function - A variety of trees shrubs, grasses, sedges and flowers can be used along shorelines to provide wildlife and water quality functions. Shrubs and various bioengineering techniques are sometimes used if there is a focus on stabilizing soils along steep banks.

Diversity - Medium to high diversity levels (20-40+ species) are typically planted to provide habitat for a variety of wildlife species ranging from pollinators to amphibians, reptiles and bird species.

Source Recommendations - Local sources of seed and plants are recommended for shoreline projects, as these areas may have direct connections to natural plant communities where genetic interactions may be a consideration. The seed/plant source sequence outlined in the guide is recommended for shoreline projects.

Information Sources - A Soil Bioengineering Guide for Streambank and Shoreline Stabilization www.fs.fed.us/publications/soil-bio-guide/



Forest/Woodlands

General Considerations - The goals of forest plantings can vary greatly from natural regeneration efforts following logging operations to the seeding or planting of trees and shrubs into agricultural fields to establish forest stands.

Achieving High Function - Target species for forest/woodland projects will vary depending on the plant community being restored, and project goals for water quality, wildlife and lumber production. As a general rule, higher diversity plantings will increase wildlife value.

Diversity - High diversity levels of 10 to 25 species are recommended for wildlife habitat focused projects. Diversity levels will often be limited by the number of species available that are suitable for a project site. Herbaceous species may also be planted at the same time as trees and shrubs if the site is transitioning from a disturbed conditions (agricultural field, etc.). Mix diversity will depend on site conditions and project goals. Relatively low diversity mixes may be used if trees and shrubs are planted close together, or if woodland forbs, fern, and grasses may re-establish at the project site.

Source Recommendations - Many forest nurseries document the seed source for their trees and shrubs, this is useful information for making decisions about suitable sources and to ensure that trees and shrubs that are planted will produce viable seed. Some nurseries can also contract grow trees and shrubs from seed or cuttings. The Minnesota Department of Natural Resource has developed seed zones for Minnesota that are widely used for determining appropriate seed sources: http://www.dnr.state.mn.us/forestry/ecs_silv/fieldpractices/seedcollection.html for forest projects.

Information Sources - DNR Forestry Website: <http://www.dnr.state.mn.us/forestry/index.html>



Plant Community Restoration

General Considerations - Plant community restoration refers to efforts to restore intact/remnant plant communities such as prairies, savannas and rare wetland communities. Restoration is often accomplished by removing invasive species, or restoring natural disturbance such as prescribed fire.

Achieving High Function - A common goal of plant community restoration is to increase ecological function through removing invasive species and increasing the diversity and cover of native plant populations. Some efforts focus on improving wildlife habitat for rare and declining species.



Diversity - Diversity goals typically focus on restoring diversity to levels that are characteristic of high quality communities. The diversity of natural communities can vary significantly with some marsh communities having relatively low diversity, and mesic prairies having around 200 species.

Source Recommendations - If seeding will be conducted as part of a restoration effort there should be a focus on collecting seed from the restoration site or intact communities nearby the site. In some cases, seed is obtained from ecological subsections, particularly if species are being re-introduced to a community.

Information Sources - Minnesota Wetland Restoration Guide www.bwsr.state.mn.us/publications/restoration_guide.html, Going Native, A Prairie Restoration Guide for Minnesota Landowners www.dnr.state.mn.us/eco/pubs_restoration.html

Temporary Cover

General Considerations — Temporary covers are used in a wide variety of situations related to conservation plantings. In some cases, cereal grains may be planted to stabilize sites in preparation of seeding permanent seed mixes. In other cases, perennial native grasses are planted in low diversity stands to stabilize construction areas to prepare sites for adding more species after weeds are controlled, or to allow for the colonization of native trees and shrubs, such as floodplain forest restorations where species such as switchgrass or Virginia wild rye are planted to stabilize the site. Annual species such as American Slough grass can also be used to stabilize areas to be established with shallow and deep marsh plant communities.



Achieving High Function - The goal of temporary stabilization involves promoting sufficient establishment of grass species to hold soil and prevent sediment loss. Once additional species are added to (or colonize) a site additional wildlife and plant community functions can be attained.

Diversity - Temporary cover crops are typically planted in low diversity plantings of one to five species, as additional species will be added (or will colonize) over time.

Source Recommendations - The source sequence included in the this guide is recommended for temporary cover plantings, particularly if perennial species are planted near natural communities. Source is less of a concern for short lived native species that are used for stabilization such as cereal grains.

Information Sources - Minnesota Wetland Restoration Guide www.bwsr.state.mn.us/publications/restoration_guide.html

Appendix A

Recommended Steps for Obtaining Plant Materials:



- 1) Determine the Project Type (Native Prairie Reconstruction; Wetland Restoration; Agricultural BMPs; Stormwater Basins; Urban Raingardens and Biofiltration Areas; Shorelines; Forests/Woodlands; Native Plant Community Restoration etc.)
- 2) Analyze the project site (topography, soils, hydrology, precipitation, elevation, drainage, aspect, sun/shade, climate, habitat needs, existing native plants, native seedbank potential, invasive species, erosion problems, other environmental stressors, etc.). Also investigate surrounding landuses, and populations of native and non-native species
- 3) Set project functional goals (soil stabilization, water quality, wildlife habitat, diversity, native plant community restoration, etc.).
- 4) Determine the site preparation, installation and maintenance restoration strategies that will be used to establish native vegetation including the use of native seedbank and local seed collection. Refer to restoration publications as needed such as the "Minnesota Wetland Restoration Guide" www.bwsr.state.mn.us/publications/restoration_guide.html , "Restore Your Shore" <http://www.dnr.state.mn.us/restoreyourshore/index.html> or other design resources).
- 5) Develop a restoration schedule, and determine when plant materials are needed.
- 6) Determine an appropriate diversity level, and list of plant species/materials needed.
- 7) Work with project partners to determine the best way to find local, and site appropriate plant materials (local seed collection/harvest, seedbank, purchasing from local seed/plant vendors etc.). Look at the project location in relation to state eco-regions (Subsections, then Sections). The following is a recommended sequence for obtaining seed/plants:
 - A) Maximize project native seedbank and seed collected from the project site
 - B) Areas with similar site conditions and located as close to the project site as possible
 - C) Minnesota Ecological Sub-sections
 - D) Minnesota Ecological Sections
 - E) Working outward from the site with 175 miles as the recommend maximum range.
- 8) Develop or select seed mixes that are needed for the project. Factors that will influence seed mix development include: availability of local harvested seed, native seed bank potential, state seed mixes and substitution tables, and seed availability from vendors. If local wild harvest seed will be used, pure seed must be tested and "germination", "hard seed" and "Pure Live Seed" information provided on seed tags for all species that are required through a program or project diversity standard. Supplement wild harvest seed mixes as needed to meet diversity, or quantity requirements. When purchasing standard mixes, investigate availability of yellow-tag seed (<http://www.mncia.org/>).
- 9) Work with local seed and plant vendors to find seed that meets source requirements; they can often work with other vendors to obtain local sources of seed. If bidding is conducted, include specifications for plant materials. Revise seed mixes or project sequencing as needed based on availability of seed and plants.
- 10) Upon installation, keep seed tags (showing origin).

Appendix B

Definitions:

Allele - A variant (one of two or more forms of a gene) of the DNA sequence at a given locus (location of a gene or DNA Sequence on a chromosome).

Cultivar - A cultivated plant that has been selected and given a unique name because of desired characteristics and when propagated (usually vegetatively) retains those characteristics.

Generation 0 - Seed harvested from remnant prairie tracts that will be used to grow new plants (G1). Generation 0 seeds are considered genetically unaltered by human activity and the collection site should be in a natural state. Generation 0 seed has not been through an intentional selection process and its origin is generally definable by a geographic location from which the seed is collected.

Generation 1 - Seed harvested from fields reconstructed with source-identified Generation 0 seed.

Genetic contamination - Loss of native plant population fitness due to the addition of non-local genes into native populations via pollen, seed or plant material.

Genetic sensitivity - The sensitivity of an individual species to inbreeding, loss of adaptation or out-breeding depression.

Genotype - The genetic makeup of a cell or organism (the allele makeup of an organism).

Germplasm - The hereditary material that is transmitted from one generation to another.

Hard seed - Seeds that remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.

Inbreeding - The breeding of related individuals within an isolated or a small population of plants, sometimes leading to decreased genetic diversity and fitness.

Locus - The specific location of a gene or DNA sequence on a chromosome. A variant of the DNA sequence at a given locus is called an allele.

Out-breeding depression - When offspring from crosses between individuals from two different plant populations have lower fitness than progeny from crosses between individuals from the same population.

Prairie reconstruction - The establishment of prairie species on a site that contains no actively growing remnant vegetation; such as an agricultural field or lawn.

Pure live seed (PLS) - The measurement of the amount of seed that germinates in a standard (14 day) germination test, plus the amount found to be alive from a viability (tz) test. PLS is determined by multiplying the percent germination success by the purity of seed.

Pure seed - Seed exclusive of inert matter and all other seeds not of the kind of seed being considered as defined by the rules for testing seeds of the Association of Official Seed Analysts.

Remnant - Fragment of a climax plant community that remains from a former period, typically before European settlement.

Selected traits - Traits that are promoted intentionally or in some cases unintentionally such as height, flower color, form, leaf color, forage quality and leafiness.

Variety - A taxonomic subdivision of a species consisting of naturally occurring or selectively bred populations (usually propagated by seed) or individuals that differ from the remainder of the species in certain minor characteristics.

Wild harvest - Seed that is harvested from remnant native plant communities

Yellow tag seed - Source identified seed that is comprised of the least selected germplasm for a species. The location where the material was originally collected from native stands (genetic origin) is indicated on the certification label.

Appendix C

Literature Cited:

Diversity References

- Betz, R. F., Lootens, R. J., Becker, M. K. 1997. [Two decades of prairie restoration at Fermilab, Batavia Illinois](#), pp. [20]-30 in Warwick, Charles, Editor *Proceedings Fifteenth North American Prairie Conference* Bend, Oregon.
- Biondini, M. 2007. Plant Diversity, Production, Stability, and Susceptibility to Invasion in Restored Northern Tall Grass Prairies (United States). *Restoration Ecology* 15: 77-87.
- Bohnen, J. L. and S. M. Galatowitsch. 2005. Spring Peeper Meadow: Revegetation Practices in a Seasonal Wetland Restoration in Minnesota. *Ecological Restoration* 23: 172-181.
- Fargione, J. E., D. Tilman. 2005a. Diversity decreases invasion via both sampling and complementarity effects. *Ecology Letters* 8:604-611.
- Fargione, J., Tilman, D. 2005b. Niche differences in phenology and rooting depth promote coexistence with a dominant C4 bunchgrass. *Oecologia* 143:598-606.
- Fargione, J.; Brown, C. S.; Tilman, D. 2003. Community assembly and invasion: An experimental test of neutral versus niche processes. *Proceedings of the National Academy of Sciences* 100:8916-8920.
- Fraser, LH and EB Madson. 2008. The interacting effects of herbivore exclosures and seed addition in a wet meadow. *Oikos* 117: 1057—1063.
- Galatowitsch, S.M. 2008. Seedling establishment in restored ecosystems. Chapter 15: Seedling Ecology and Evolution. M. Leck and T. Parker (Ed.). Cambridge Press.
- Grace, J.B., TM Anderson, MD Smith, E Seabloom, SJ Andelman, G. Meche, E Weiher, LK Allain, H. Jutila, M Sankaran, J. Knopps, M Ritchie, and MR Willig. 2007. Does species diversity limit productivity in natural grassland communities? *Ecology Letters* 10: 680-689.
- Hille Ris Lambers, J.; Harpole, W. S.; Tilman, D.; Knops, J.; Reich, P. 2004. Mechanisms responsible for the positive diversity-productivity relationship in Minnesota grasslands. *Ecology Letters* 7:661-668
- Hooper, D. U., F. S. Chapin, III, J. J. Ewel, A. Hector, P. Inchausti, S. Lavorel, J. H. Lawton, D. M. Lodge, M. Loreau, S. Naeem, B. Schmid, H. Setälä, A. J. Symstad, J. Vandermeer, and D. A. Wardle. 2005. Effects of biodiversity on ecosystem processes: implications for ecosystem management [ESA Public Affairs Office, Position Paper]. Ecological Society of America. Jamestown, ND: Northern Prairie Wildlife Research Center Online. <http://www.npwrc.usgs.gov/resource/habitat/econsens/index.htm> (Version 24AUG2006).
- Howell, E.A., V. Kline. 1994. The role of competition in the successful establishment of selected prairie species, pp. 193-198 in Wickett, Robert G., et al. (ed.) / *Proceedings of the Thirteenth North American Prairie Conference : spirit of the land, our prairie legacy : held 6-9 August 1992, Windsor, Ontario, Canada*.
- Howell, E. A. and W.R. Jordan III. 1989. Tallgrass prairie restoration in the north American Midwest. Pp. 395-414 in Spellerberg, I.F., F.B. Goldsmith, and M.G. Morris (eds)/ *The scientific management of temperate communities for conservation. The 31st Symposium of the British Ecological Society Southampton 1989*.
- Howe, H.F. , J.S. Brown, and B Zorn-Arnold. 2001. A rodent plague on prairie diversity. *Ecology Letters* 5: 30-36.
- Kirt, R. R. 2001. A sixteen year assessment of vegetational changes in prairie seed broadcast and seedlingtransplant sites, pp. [98]-106 in Bernstein, Neil P.; Ostrander, Laura J. (ed.) / *Proceedings of the Seventeenth North American Prairie*

Conference : seeds for the future, roots of the past : held 16-20, July, 2000, North Iowa Area Community College, Mason City, Iowa.

Kline, V. M. 1997. Orchards of Oaks and a Sea of Grass, pp. 3-21 in Packard, Stephen and Cornelia F. Mutel (eds)/ *The Tallgrass Restoration Handbook, For Prairies, Savannas, and Woodlands*. Island Press, Covelo, CA.

Knops, J. M. H.; Tilman, D.; Haddad, N. M.; Naeem, S.; Mitchell, C. E.; Haarstad, J.; Ritchie, M. E.; Howe, K. M.; Reich, P. B.; Siemann, E.; Groth, J. 1999. Effects of plant species richness on invasion dynamics, disease outbreaks, insect abundances and diversity. *Ecological Letters* 2:286-293.

Jacobson, R. L., Albrecht, N. J., Bolin, K. E. 1992. Wildflower routes: benefits of a management program for Minnesota right-of-way prairies, pp. 153-158 in Smith, Daryl D.; Jacobs, Carol A. (ed.) / *Proceedings of the Twelfth North American Prairie Conference : recapturing a vanishing heritage : held 5-9 August 1990, Cedar Falls, Iowa*.

Martin, L.M., K.A. Moloney, and B. Wilsey. 2005. Journal of Applied Ecology. An assessment of grassland restoration success using species diversity components. *Journal of Applied Ecology* 42: 327-336.

Martin, L.M. and B.J. Wilsey. 2006. Assessing grassland restoration success: relative roles of seed additions and native ungulate activities. *Journal of Applied Ecology*.

Minnesota Department of Natural Resources. 2005. *Field Guide to the Native Plant Communities of Minnesota: The Eastern Broadleaf Province*. St. Paul MN: Ecological Land Classification Program, Minnesota County Biological Survey, and Natural Heritage and Nongame Research Program, MNDNR.

Naeem, S.; Knops, J. M. H.; Tilman, D.; Howe, K. M.; Kennedy, T.; Gale, S. 2000. Plant diversity increases resistance to invasion in the absence of covarying extrinsic factors. *Oikos* 91:97-108.

Packard, S. 1994. Successional restoration: thinking like a prairie. *Restoration & Management Notes* 12(1):32-39.

Perry, L. G., S. M. Galatowitsch, C. J. Rosen. 2004. Competitive control of invasive vegetation: a native wetland sedge suppresses *Phalaris arundinacea* in carbon-enriched soil. *Journal of Applied Ecology* 41: 151-162.

Piper, J.K. 1996. Composition of prairie plant communities on productive versus unproductive sites in wet and dry years. *Can. J. Bot.* 73: 1635-1644.

Piper, J. K., E. S. Schmidt, A.J. Janzen. 2007. Effects of Species Richness on Resident and Target Species Components in a Prairie Restoration. *Restoration Ecology* 15: 189-198.

Piper, J. K., Pimm, S.L. 2002. *The creation of diverse prairie-like communities*. *Community Ecology* 3: 205-216.

Schramm, Peter. 1978. The "do's and don'ts" of prairie restoration, pp. 139-150 in Glenn-Lewin, David C.; Landers, Roger Q., Jr. (ed.) / *Fifth Midwest Prairie Conference proceedings : Iowa State University, Ames, August 22-24, 1976*.

Smith, MD, JC Wilcox, T. Kelly,, and AK Knapp. 2004. Dominance not richness determines invasibility of tallgrass prairie. *Oikos* 106: 253-262.

Symstad, A. 2000. A test of the effects of functional group richness and composition on grassland invasibility. *Ecology* 81:99-109.

Symstad, A. J.; Tilman, D.; Willson, J.; Knops, J. M. H. 1998. Species loss and ecosystem functioning: effects of species identity and community composition. *Oikos* 81:389-397.

- Tilman, D. 2001. Functional diversity. Pages 109-120, in, S. A. Levin, Editor-in-Chief, *Encyclopedia of Biodiversity*, Vol. 3. Academic Press, San Diego, CA.
- Tilman, D. 2000. Causes, consequences and ethics of biodiversity. *Nature* 405:208-211.
- Tilman, D. 1999. The ecological consequences of changes in biodiversity: a search for general principles. The Robert H. MacArthur Award Lecture. *Ecology* 80:1455-1474.
- Tilman, D. 1997. Community invasibility, recruitment limitation, and grassland biodiversity. *Ecology* 78:81-92.
- Tilman, D. 1996. Biodiversity: Population versus ecosystem stability. *Ecology* 77(3):350-363.
- Tilman D., P.B. Reich, J. M. H. Knops. 2006. Biodiversity and ecosystem stability in a decade-long grassland experiment. *Nature*: 441: 629-632.
- Tilman, D., J. Knops, D. Wedin, P. Reich, M. Ritchie, E. Siemann. 1997. The influence of functional diversity and composition on ecosystem processes. *Science* 277:1300-1302.
- Tilman, D., J.A. Downing. 1994. Biodiversity and stability in grasslands. *Nature* 367:363-365.
- U.S. Department of Transportation, Federal Highway Administration. Publication No. FHWA-EP-03-005 HEPN-30: The Nature of Roadsides. Washington D.C.
- Wedin, D. A., D. Tilman. 1996. Influence of nitrogen loading and species composition on the carbon balance of grasslands. *Science* 274:1720-1723.
- Wedin, D. A., D. Tilman. 1992. Nitrogen cycling, plant competition and the stability of tallgrass prairie. Pages 5-8 in D. D. Smith and C. A. Jacobs, Eds., *Proceedings of the Twelfth North American Prairie Conference*. University of Northern Iowa Press, Cedar Falls, IA.
- Wilsey, B.J. and H.W. Polley. 2004. Realistically low species evenness does not alter grassland species-richness-productivity relationships. *Ecology* 85: 2693-2700.

Genetics References

- Broadhurst, L.M.; Lowe, A.; Coates, D.J.; Cunningham, S.A.; McDonald, M.; Vesk, P.A.; Yates, C. 2008. Seed supply for broadscale restoration: maximizing evolutionary potential. *Evolutionary Applications*, Volume 1 Issue 4: 587 – 597.
- Burton, P.J.; Burton, C.M. 2002. Promoting Genetic Diversity in the Production of Large Quantities of Native Plant Seed. *Ecological Restoration*, Vol. 20, No. 2:117-123.
- Casler, MD, CA Stendal, L. Kapich, and KP Vogel. 2007. Genetic diversity, plant adaptation regions, and gene pools for switchgrass. *Crop Science* 47: 2261-2273
- Edmonds, S., and C.C. Timmerman. 2003. Modeling factors affecting the severity of outbreeding depression. *Conservation Biology* 17:883-892.
- Erickson, B.; Navarrette-Tindall, N.E. 2004. Missouri Native Ecotype Program: Increasing Local-Source Native Seed. *Natural Areas Journal*. 24, 1: 15-22.
- Falk, D.A.; Knapp, E.E.; Guerrant, E.O. 2001. An introduction to restoration genetics. Society for Ecological Restoration.

- Gustafson, D.J., D. J. Gibson, D. L. Nickrent. 2004. Competitive relationships of *Andropogon gerardii* (Big Bluestem) from remnant and restored native populations and select cultivated varieties. *Functional Ecology*:18: 451 – 457.
- Gustafson, D.J.; Gibson, D.J.; Nickrent, D.L. 2005. Using Local Seeds in Prairie Restoration, Data Support the Paradigm. *Native Plants*, Spring 2005: 25-28.
- Heiser, D., Shaw, R. The Fitness Effects of Outcrossing in *Calylophus Serrulatus*, A permanent Translocation Heterozygote, *Evolution*, 60(1), 2006, pp. 64-76.
- Huff, D.R., A.J. Palazzo, M. van der Grinten. 2006. Relationships Between Geographic Distance and Genetic Differentiation: Or, Why Don't You Write Home More Often? P. 161 in M.A. Sanderson et al (eds). Proceedings of the Fifth Eastern Native Grass Symposium, Harrisburg, PA, October 10-13, 2006.
- Hufford, K.M., and S.J. Mazer. 2003. Plant ecotypes: genetic differentiation in the age of ecological restoration. *Trends in Ecology and Evolution* 18:147-155.
- Johnson, G.R.; Sorensen, F.C.; St Clair, J.B.; Croon, R.C. 2004. Pacific Northwest Forest Tree Seed Zones: A Template for Native Plants? *Native Plants Journal*. 5, 2: 131-140.
- Jones, T. 2005. Genetic Principles and the Use of Native Seeds – Just the FAQs, please, just the FAQs. *Native Plants*, Spring 2005: 14-24.
- Jurgenson, J.; Devries, R. 2004. Analysis of Genetic Diversity of Iowa's Native Plant Species using the Beckman CEQ 8000 Genetic Analyzer. Iowa DOT project 90-00-LRTF-409.
- Keller, M., J. Kollmann, and P.J. Edwards 2000. Genetic introgression from distant provenances reduces fitness in local weed populations, *Journal of Applied Ecology* 37:647-659.
- Lesica, P.; Allendorf, F.W. 1999. Ecological Genetics and the Restoration of Plant Communities: Mix or Match? *Restoration Ecology* Vol. 7 No.1: 42-50.
- Martinez-Reyna, JM and KP Vogel. 2008. Heterosis in switchgrass: spaced plants. *Crop Science* 48: 1312-1320.
- McCully, W.G. 2000. Utilizing The Ecotype Concept: An Insight into Native Plant Establishment, in Harper-Lore B.L, M. Wilson, (Eds). *Roadside Use of Native Plants*. Island Press, Covelo, CA. Accessed from <http://www.fhwa.dot.gov/environment/rdsduse/>.
- McKay, J.K.; Christian, C.E.; Harrison, S.; Rice, K.J. 2005. "How Local is Local?" – A Review of Practical and Conceptual Issues in the Genetics of Restoration. *Restoration Ecology*, Vol.13, No.3 432-440.
- Millar, C.I.; Libby, W.J. 1989. Disneyland or Native Ecosystem: Genetics and the Restorationist. *Restoration & Management Notes* 7:1, 18-24.
- Moncada, K., Ehlke, N., Muehlbauer, G., Sheaffer, C., and D. Wyse. 2005. "Assessment of AFLP-based Genetic Variation in Three Native Plant Species Across the State of Minnesota". Minnesota Department of Transportation Research Services Section, St. Paul, MN.
- Rogers, D., Montalvo, A. Genetically Appropriate Choices for Plant Materials to Maintain Biological Diversity, USDA Forest Service, December 31, 2004.
- Sambatti, J.B.M.; Rice, K.J. 2006. Local Adaptation, Patterns of Selection, and Gene Flow in the Californian Serpentine Sunflower (*Helianthus exilis*). *Evolution*, 60(4): 696-710.

- St. Clair, B., R. Johnson. 2004. Structure of Genetic Variation and Implications for the Management of Seed and Planting Stock. USDA Forest Service Proceedings RMRS-P-33. 2004.
- Smith, S.E.; Halbrook, K. 2004. A Plant Genetics Primer, Basic Terminology. *Native Plants*, Fall 2004: 105-111.
- Smith, D.; Houseal, G. Regional Variations in Native Tallgrass Prairie Species. Iowa DOT project 90-00-LRTF-820.
- Tallmon, D, Luikart, G., Waples, R. The Alluring Simplicity and Complex Reality of Genetic Rescue, *Trends in Ecology and Evolution*, Vol. 19, No. 9, Sept. 2004
- Tober, D.; Duckwitz, W.; Jensen, N.; Knudson, M. 2008. Five Reasons to Choose Native Grass Releases. USDA Natural Resources Conservation Service, Plant Materials Center, Bismarck, North Dakota.
- Williams, D.W.; Houseal, G.A.; Smith, D.D. 2004. Growth and Reproduction of Local Ecotype and Cultivated Varieties of *Panicum virgatum* and *Coreopsis palmata* Grown in Common Gardens. *Proceedings of the North American Prairie Conference*, No. 19: 55-60.

NEW BUSINESS

1. RIM-WRP Partnership Program FY13 Outdoor Heritage Fund Allocation – ***DECISION ITEM***
2. RIM Reserve 2012 Bond Fund Allocation – ***DECISION ITEM***
3. RIM Reserve Clean Water Fund Wellhead Protection Initiative Payment Rate Revision – ***DECISION ITEM***
4. Clean Water Fund and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program: Revised Criteria, Enrollment Procedures and Policy – ***DECISION ITEM***
5. RIM Reserve Easement Alteration Request – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM-WRP Partnership OHF Allocation

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Kevin Lines

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

- | | |
|--|--|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input checked="" type="checkbox"/> New Policy Requested | <input checked="" type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize the allocation of \$13.81 million in Outdoor Heritage Funds (OHF) to the RIM-WRP Partnership. The RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS), Soil and Water Conservation Districts (SWCDs) and the Board of Water and Soil Resources.

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The RIM-WRP Partnership has received recommendations from the Lessard Sams Outdoor Heritage Council and legislative appropriations from the Outdoor Heritage Fund in 2009, 2010, 2011 and 2012 totalling \$42.76 million to leverage federal WRP funds totalling over \$68 million.

Board Resolution #_____

**Reinvest in Minnesota (RIM) Reserve - Wetlands Reserve Program (RIM-WRP)
Partnership Program
FY13 Outdoor Heritage Fund Allocation**

WHEREAS the Minnesota State Legislature appropriated \$13.810 million in Outdoor Heritage Funds (OHF) to the Board of Water and Soil Resources (BWSR) in Minnesota Laws 2012, Chapter 264, Article 1, Section 2, Subd 4(a), Reinvest in Minnesota – Wetlands Reserve Program Partnership, Phase IV, to acquire permanent conservation easements and restore wetlands and associated upland habitat, in cooperation with the United States Department of Agriculture's (USDA) Wetlands Reserve Program; and

WHEREAS the RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a local-state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS) the Soil and Water Conservation Districts (SWCDs) and the Board of Water and Soil Resources (BWSR); and

WHEREAS the RIM-WRP Partnership is possible through the collaboration of many local, state, and federal partners including Ducks Unlimited, (DU), the Minnesota Waterfowl Association (MWA), Pheasants Forever (PF), the Minnesota Department of Natural Resources (MN DNR), and the United States Fish and Wildlife Service (USFWS); and

WHEREAS the RIM-WRP Partnership permanently protects and restores previously drained wetland and adjacent native grasslands to achieve the greatest wetland functions and values, while optimizing wildlife habitat on private lands enrolled in the Partnership; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate; and

WHEREAS the RIM Reserve Program receives appropriations from state bonding sources, the Outdoor Heritage Fund (OHF), the Clean Water Legacy (CWF), and the Minnesota Environment and Natural Resources Trust Fund; and

WHEREAS RIM Reserve funding is intended to leverage federal WRP funds appropriated to the NRCS whenever feasible; and

WHEREAS NRCS National Headquarters has requested Minnesota NRCS to develop a process which allows for continuous enrollment of RIM-WRP Partnership easement applications and the necessary obligation of federal WRP funds with eligible Minnesota landowners; and

WHEREAS a Minnesota Wetlands Restoration Evaluation Worksheet will be used to score and rank applications for the RIM-WRP Partnership; and

WHEREAS over the last 25 years, the United States Department of Agriculture (USDA) Conservation Reserve Program (CRP) has been the largest and most significant private lands conservation program in Minnesota's history. An entire generation of Minnesotans have benefitted from improved water quality and enhanced wildlife habitat; and

WHEREAS in the next five years, the aforementioned benefits are now in jeopardy as nearly 823,000 acres (60%) of Minnesota's conservation lands enrolled in the USDA CRP will expire; and

WHEREAS the RIM-WRP Partnership will establish scoring periods in which eligible RIM-WRP applications that have been scored ≥ 80 will be approved for selection for immediate funding by NRCS-WRP; and

WHEREAS the Board authorized staff to work with Minnesota NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the RIM-WRP Partnership; and

WHEREAS other applications will be considered during the current scoring period prior to the NRCS obligation deadline; and

WHEREAS a subcommittee may be appointed by the chair of the BWSR to review the applications and make project selections in coordination with Minnesota NRCS; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on May 22, 2012 and unanimously recommends the allocation of \$13.810 million OHF dollars to the RIM-WRP Partnership.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. allocate \$13.81 million in Outdoor Heritage Funds to the RIM-WRP Partnership; and
2. target expiring CRP contracts with critical wetland restoration practices for enrollment in to the RIM-WRP Partnership.

Dated at Saint Paul, Minnesota this 27th day of June, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM Reserve 2012 Bond Allocation ☐

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Kevin Lines

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|--|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input checked="" type="checkbox"/> Capital Budget |
| <input checked="" type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize the allocation of \$6 million in Capital Budget Bonds to the RIM Reserve Program. In addition, authorize staff to target expiring Conservation Reserve Program (CRP) and Continuous CRP (CCRP) acres on the most vulnerable riparian buffers and wetlands as the priority for enrollment in the RIM Reserve Conservation Easement Program.

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The RRMPC met on May 22, 2012 to review and approve the following to successfully implement the RIM Reserve Program. The Board received \$6 million in Capital Budget Bonds for the RIM Reserve Program. This authorizes designation of these funds to targeting expiring CRP and CCRP acres on the most vulnerable riparian buffers and wetlands for enrollment in the RIM Reserve Conservation Easement Program.

Board Resolution #_____

Reinvest in Minnesota (RIM) Reserve 2012 Bond Fund Allocation

WHEREAS the Minnesota State Legislature appropriated and Governor Dayton approved \$6 million of Capital Investment bonding to the Board of Water and Soil Resources for the 'RIM Conservation Reserve' in Minnesota Laws 2012, Chapter 293, Section 9, Subd 2; and

WHEREAS the purpose of these funds is to acquire conservation easements from landowners to preserve, restore, create, and enhance wetlands; restore and enhance rivers and streams, riparian lands, and associated uplands in order to protect soil and water quality; support fish and wildlife habitat; reduce flood damage; and provide other public benefits. The provisions of Minnesota Statutes, section 103F.515, apply to this program. Of this appropriation, up to ten percent may be used to implement the program; and

WHEREAS the board is authorized to enter into new agreements and amend past agreements with landowners as required by Minnesota Statutes, section 103F.515, subdivision 5, to allow for restoration, including overseeding and harvesting of native prairie vegetation for use for energy production in a manner that does not devalue the natural habitat, water quality benefits, or carbon sequestration functions of the area enrolled in the easement. This shall occur after seed production and minimize impacts on wildlife. Of this appropriation, up to five percent may be used for restoration, including overseeding; and

WHEREAS over the last 25 years, the United States Department of Agriculture (USDA) Conservation Reserve Program (CRP) has been the largest and most significant private lands conservation program in Minnesota's history. An entire generation of Minnesotans have benefitted from improved water quality and enhanced wildlife habitat; and

WHEREAS in the next five years, the aforementioned benefits are now in jeopardy as nearly 823,000 acres (60%) of Minnesota's conservation lands enrolled in the USDA CRP will expire; and

WHEREAS the RIM Reserve program has successfully leveraged over \$300 million in USDA program funds since 2000; and

WHEREAS RIM Reserve can prioritize and target the most critically expiring acres of CRP for enrollment into RIM Reserve permanent conservation easements. Critical CRP contracts have been identified using the Statewide Ecological Ranking of CRP and other critical land in Minnesota; and

WHEREAS the RIM Reserve conservation easement program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate; and

WHEREAS the RIM Reserve program receives appropriations from state bonding sources, the Outdoor Heritage Fund (OHF), the Clean Water Fund (CWF), and the Minnesota Environment and Natural Resources Trust Fund; and

WHEREAS RIM Reserve funding is intended to leverage federal USDA funds and programs such as CRP, CCRP and WRP whenever practical and feasible; and

WHEREAS the Board has established the RIM-WRP Partnership payment rates and RIM Reserve payment rates; and

WHEREAS a Minnesota Wetlands Restoration Evaluation Worksheet will be used to score and rank RIM-WRP applications for the RIM-WRP Partnership and, the Statewide Ecological Ranking Tool and other relevant data and assessment tools will be used to score and rank expiring CRP contracts for enrollment into the RIM Reserve program; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on May 22, 2012 to review and recommend the following provisions to successfully implement the RIM-WRP Partnership in Minnesota in recognition of and consistent with funding noted above.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Allocate up to \$6 million of RIM Reserve Bond funds for targeting the enrollment of the most critical expiring CRP acres using RIM Reserve easements in concert with re-enrollment in CRP; and
2. Target expiring CRP and CCRP acres on the most vulnerable riparian buffers and wetlands as the priority for enrollment in the RIM Reserve Program. The DNR's *Long Range Duck Plan*, *Long Range Pheasant Plan*, and the newly crafted *Prairie Strategic Management Plan*, as well as the Lessard Sams Outdoor Heritage Council's *Strategic Plan*, will be used to help identify targets.

Dated at Saint Paul, Minnesota this 27th day of June, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM CWF Wellhead Payment Rate Revision

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Kevin Lines

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

- | | |
|--|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input checked="" type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input checked="" type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

The Board is requested to approve the recommendations of the RRMPC to authorize the Conservation Easement Section Manager in consultation with the Executive Director or Assistant Director, to exceed the non-cropland rates on non-cropland not to exceed the cropland rates for critical lands to be enrolled in a RIM Clean Water Fund (CWF) Wellhead Protection Initiative (WPI).

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The RRMPC met on May 22, 2012 to review and recommend the following authorization be provided to the Conservation Easement Section Manager to successfully implement the RIM Reserve CWF WPI. The RRMPC took into consideration input from the MN Rural Waters Association and the Red Rock Rural Water District requesting this necessary change to non-cropland payment rates in certain instances.

Board Resolution #_____

RIM Reserve Clean Water Fund Wellhead Protection Initiative Payment Rate Revision

WHEREAS the Minnesota State Legislature appropriated \$2.6 million of Clean Water Funds (CWF) to the Board of Water & Soil Resources (BWSR) in the 2011, 1st Special Session Law Chapter 6, Article 1, Section 7(f), to purchase and restore land via permanent RIM Reserve Conservation easements on wellhead protection areas under Minnesota Statutes, section 130F.515, subd.2, paragraph(d); and

WHEREAS the RIM Reserve (RIM) Clean Water Fund (CWF) Wellhead Protection Initiative (WPI) was authorized by Board Resolution #11-70 at its September 28, 2011 meeting; and

WHEREAS the payment rates used were the same as those used for other RIM easements; and

WHEREAS landowner interest in the program is being limited by the payment rates being offered; and

WHEREAS the RIM Reserve Management Planning Committee (RRMPC) received input at their May 22, 2012 meeting requesting a special RIM CWF WPI rate adjustment on non-cropland acres enrolled in this initiative; and

WHEREAS the RRMPC reviewed and discussed the following alterations to be considered:

- 1) case-by-case basis;
- 2) staff authorization with criteria;
- 3) special rates for the RIM CWF WPI, and

WHEREAS the RRMPC is recommending that the Conservation Easement Section Manager (CESM), in consultation with the Executive Director or Assistant Director, has been authorized to offer the cropland rates on non-cropland acres for critical lands to be enrolled in a the RIM CWF WPI; and

WHEREAS this authority applies only when all factors related to the easement project purpose and function have been evaluated and an increased rate is determined to be necessary to ensure the public's benefit and safety in completing the project; and

WHEREAS the RRMPC met on May 22, 2012 to review and recommend provisions to successfully implement the RIM CWF WPI.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes the Conservation Easement Section Manager, in consultation with the Executive Director or Assistant Director, to:

1. Evaluate and document relevant factors related to the RIM CWF WPI's function and purpose in protecting the public's benefit and safety of the area being enrolled in determining an increased rate is justified and necessary; and,
2. Adjust the RIM CWF WPI payment rate up to the current cropland rate for non-cropland areas enrolled in the program.

Dated at Saint Paul, Minnesota this 27th day of June, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: CWF OHF RIM Riparian Buffer Sign-up

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Kevin Lines & Tabor Hoek

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|--|--|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input checked="" type="checkbox"/> New Policy Requested | <input checked="" type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input checked="" type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

The Board is requested to approve the recommendations of the RRMPC to authorize staff to:

1. Issue a new FY12-13 CWF/OHF RIM Reserve Riparian Buffer Easement Initiative Request for Proposal.
2. Review and approve RFPs for SWCD participation
3. Develop a CWF buffer certification process to determine landowner eligibility.
4. Develop a continuous riparian buffer enrollment process, but cap individual SWCD applications at \$1 million. If necessary, a pending list will be maintained at the local SWCD for future funding.
5. Allows haying of CWF buffers only.

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The RRMPC met on May 22, 2012 to review the CWF and OHF Rim Riparian Buffer RFP Guidance and CWF and OHF Rim Riparian Buffer RFP Policy documents to successfully implement the FY12-13 CWF/OHF RIM Reserve Riparian Buffer Easement Initiative. The RRMPC recommends the above to the the Board for their approval.

Board Resolution # _____

Clean Water Fund and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program: Revised Criteria, Enrollment Procedures and Policy

WHEREAS the Minnesota State Legislature appropriated \$6 million of Clean Water Funds (CWF) for Fiscal Year (FY) 2012 and FY13 to the Board of Water & Soil Resources (BWSR) in the 2011, 1st Special Session Law Chapter 6, Article 1, Section 7(e), and \$6 million for FY13 to the Board of Water & Soil Resources (BWSR) to acquire and restore permanent RIM Reserve Conservation easements on riparian buffers areas under Minnesota Statutes, section 103F.515. These appropriations may be used for restoration of riparian buffers protected by easements and for stream bank restorations when the riparian buffers have been restored; and

WHEREAS the Minnesota State Legislature appropriated \$2.249 million of Outdoor Heritage Fund (OHF) to the Board of Water and Soil Resources (BWSR) in the 2011 1st Special Session Law Chapter 6, Article 1, Section 2 (c) and \$2.09 million in Minnesota Law 2012, Chapter 264, Article 1, Section 2, Subd 2(a) Minnesota's Buffers for Wildlife and Water – Phase II to acquire permanent conservation easements to enhance habitat by expanding clean water fund riparian easements on private land; and

WHEREAS funds are available to purchase and restore permanent conservation easements on riparian buffers of at least 50 feet on average unless there is a natural impediment, road or other impediment beyond the control of the landowner. Measurements start at top of bank, stream, bluff and ditches or water's edge for lakes; and

WHEREAS the purpose of these CWFs is to purchase and restore permanent conservation easements on riparian buffers of at least 50 feet adjacent to public waters, excluding wetlands, to keep water on the land in order to decrease sediment, pollutant and nutrient transport, reduce hydrologic impacts to surface waters and increase infiltration for groundwater recharge; and

WHEREAS these same buffers may be extended to a maximum average of 200 feet for wildlife purposes in the Prairie Planning Section of LSOHC using the OHF appropriation; and

WHEREAS the Reinvest in Minnesota (RIM) Reserve conservation easement program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS the SWCDs will be reimbursed for their services related to riparian buffer easement acquisitions and conservation plan development at the BWSR's current RIM services rate; and

WHEREAS eligible riparian buffers are adjacent to public waters, streams, ditches and lakes (excluding wetlands). These are streams identified as solid lines, ditches identified as a dashed line and basins marked with a 'P' on the Department of Natural Resources (DNR) Public Waters Inventory map, and other public ditches defined by MN Statute 103E and available from the county or watershed district drainage system authority; and

WHEREAS a majority of the riparian buffer area enrolled must have a cropping history and a priority will be placed on extending new or existing USDA Conservation Reserve Program (CRP) contracts into a RIM Reserve permanent conservation buffer easement; and

WHEREAS the Board has established Permanent RIM Reserve easement payment rates; and

WHEREAS the BWSR RIM Reserve Management Planning Committee met on May 22, 2012 to review and recommend the following provision to successfully implement the RIM Reserve Riparian Buffer Conservation Easement Program.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby authorizes staff to:

1. Develop and issue a new FY12-13 CWF/OHF Request for Proposal (RFP). Proposals will be accepted beginning July 16 from SWCDs indicating their interest in RIM Reserve Riparian Buffer Program; and
2. Review and approve RFPs for SWCD participation based on the following criteria:
 - a. Local priority and initiative: i.e., ag shoreline, redetermination of benefits
 - b. Water plan and water quality improvement priority: Agricultural landscape with a focus on cropland
 - c. Resource Assessment: Ecological Ranking Tool – water quality data, land use, inventory, on-site determinations, etc.
 - d. Anticipated Outcomes: Clean Water Benefits in Minnesota's agricultural landscape and enhanced wildlife buffers in the LSOHC prairie landscape
 - e. Readiness to Proceed: Marketing, technical approval authority, and easement processing
 - f. Expiring CRP & CCRP – contracts
 - g. Floodplains; and
3. Develop CWF buffer certification process to determine landowner eligibility. The certification shall require SWCD technical approval authority or equivalent to ensure lands being enrolled meet NRCS 393 Technical Standard for filter strip. This includes eligibility of frequently and occasionally flooded soil types in an effort to address riparian floodplain as a buffer area. Buffers of up to 350' will be allowed for sediment and water quality purposes; and
4. Develop and approve an on-going continuous riparian buffer enrollment and allocation process; and
5. Develop criteria to be used at the local level for having criteria on **CWF buffers only** (no OHF funded easements are eligible for this option); and
6. Cap certified buffers approved for funding initially at \$1 million per SWCD for FY12-13 funds; and
7. Direct SWCDs to establish a pending list to be maintained for future funding, including unused funds available from this allocation.

Dated at Saint Paul, Minnesota this 27th day of June, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair
Board of Water and Soil Resources



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM Reserve #56-07-00-01-W Alteration

Meeting Date: June 27, 2012

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Kevin Lines

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

The Board is requested to approve the recommendations of the RRMPC to authorize the Conservation Easement Section Manager to amend RIM Reserve Conservation Easement #56-07-00-01-W.

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The RRMPC met on May 22, 2012 to review and recommend the following authorization be provided to the Conservation Easement Section Manager to develop and finalize this alteration request. The alteration will achieve the required 2:1 acre newly acquired/released ratio and meet other existing board policy requirements.

Board Resolution #_____

RIM Reserve Easement #56-07-00-01-W Alteration Request

WHEREAS Robert and Terri Reutter, husband and wife (hereinafter referred to as Grantors), enrolled 110.3 acres of eligible land located in Otter Tail County, Sections 8 and 17, Township 131N, Range 41W, in to the Conservation Reserve Enhancement Program (CREP) which included a perpetual RIM Reserve Conservation Easement (RIM ID #56-07-00-01-W) which was recorded on August 27, 2001, and a 15-year Conservation Reserve Program (CRP) contract (contract #1637) dated April 2, 2001; and

WHEREAS the State of Minnesota paid \$31,320.58 for said perpetual easement; and

WHEREAS the West Otter Tail (WOT) Soil and Water Conservation District (SWCD), on behalf of the Minnesota Board of Water and Soil Resources (Board) and the State of Minnesota, administers the RIM Reserve Program in the area in which this easement is located; and

WHEREAS the State of Minnesota expressly recognizes the federal CRP 15-year contract encumbering some or all of this RIM Reserve easement. To the extent that any inconsistencies exist between the CRP contract and the RIM easement, the later is subordinated to the former and the provisions in the CRP contract shall prevail over the RIM easement for the duration of the 15-year CRP contract; and

WHEREAS Grantors have formally made a RIM easement alteration request to the WOT SWCD; and

WHEREAS the Board may alter, release, or terminate the conservation easement after consultation with the Minnesota Commissioner of Agriculture and the Commissioner of Natural Resources. The Board may alter, release or terminate and easement only if the Board determines that the public interest and general welfare are better served by the alteration, release or termination; and

WHEREAS on May 24, 2006 the Board adopted *Conservation Easement Alteration Requests and Board Policy, RIM Reserve Rule Affecting Alteration Requests*; and

WHEREAS the Conservation Easement Section has received all required fees and information pertaining to this alteration request from the Grantors, the WOT SWCD, and the MN DNR; and

WHEREAS the RIM Reserve Management Planning Committee (RRMPC) received input at the meeting from the Grantors pertaining to the requested alteration; and

WHEREAS the RRMPC met on May 22, 2012 to review and recommend the following provisions to grant the alteration request.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby authorizes the Conservation Easement Section Manager to:

1. Work with the WOT SWCD and Mr. and Mrs. Reutter to identify easement alterations that will achieve the 2:1 acre standard in current Board Policy; and

2. Develop a Memorandum to File documenting the estimated ecological and economic value benefits to the State; and
3. Complete the alteration request for RIM Easement #56-07-00-01-W as requested and modified to meet existing Board Policy.

Dated at Saint Paul, Minnesota this 27th day of June, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair
Board of Water and Soil Resources

DRAFT